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FRANCHISE ACT

ONGEREVISEERDE VERTALING

*F Clifton White Resource Center*  
International Foundation for Election Systems

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## BULLETIN OF ACTS, ORDERS AND DECREES OF THE NETHERLANDS

1989

423

Act of 28 September 1989 containing new provisions governing the franchise and elections (Franchise Act)

We, Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

To all who shall see these presents or hear them read, greetings, and be it known that:

Whereas we have considered it desirable that new provisions be established in respect of the franchise and the elections of members of the Lower House (*Tweede Kamer*) and Upper House (*Eerste Kamer*) of the States-General and of the members of the provincial and municipal councils;

Now therefore, We, having received advice from the Council of State and in joint consultation with the States-General, have thought fit and decreed as We think fit and decree hereby:

## PART I

## General provisions

## CHAPTER A

## The Election Council

## Section A 1

There shall be an Election Council, which has its seat in The Hague.

## Section A 2

1. The Election Council shall, on request or of its own volition, advise Our Minister for Home Affairs on matters affecting the franchise or elections. At the request of the Lower House of the States-General, the Election Council shall advise on private members' Bills relating to the franchise or elections and introduced in that House.

2. The Election Council shall act as central electoral committee in the cases in which the law so stipulates.

## Section A 3

The Election Council shall be composed of seven members who are appointed and dismissed by royal decree. The appointment

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shall be made for four years, subject to earlier termination of office. A person appointed to fill a vacancy shall cease to hold office at the time at which the person in whose place he is appointed would have had to retire.

#### Section A 4

A chairman and a deputy chairman shall be designated by royal decree from among the members.

#### Section A 5

A secretary and an assistant secretary shall be assigned to the Election Council. They shall be appointed and dismissed by royal decree. They are accountable only to the Election Council for the discharge of their duties.

#### Section A 6

1. Our Minister for Home Affairs may designate officials of his Ministry as advisory members of the Election Council.
2. The Election Council may invite persons to take part in its deliberations. They shall not have any right to vote.

#### Section A 7

The Election Council shall keep available for Our Minister for Home Affairs the preparatory documents relating to the recommendations made by it.

#### Section A 8

At four-yearly intervals, the Election Council shall present Our Minister for Home Affairs with a report which scrutinises the performance of the Council as an advisory body and in which proposals can be made for desired changes.

#### Section A 9

Further rules regarding the establishment, composition and procedure of the Election Council may be made by Order in Council.

### PART II

The election of the members of the Lower House of the States-General, and of the provincial and municipal councils

#### CHAPTER B

##### The franchise

#### Section B 1

1. The members of the Lower House of the States-General shall

be elected by persons who are Netherlands nationals on nomination day and have attained the age of eighteen years on polling day, with the exception of persons who have their actual place of residence in the Netherlands Antilles or Aruba on nomination day.

2. This exception shall not apply to:

(a) a Netherlands national who has been a resident of the Netherlands for at least ten years;

(b) a Netherlands national who is employed in Netherlands public service in the Netherlands Antilles or Aruba and his Netherlands spouse or partner and children, in so far as they have a joint household.

## Section B 2

The members of the provincial councils shall be elected by persons who are residents of the province on nomination day and have attained the age of eighteen years on polling day.

## Section B 3

1. The members of the municipal councils shall be elected by persons who are residents of the municipality on nomination day and have attained the age of eighteen years on polling day.

2. In order to be entitled to vote, persons who are not Netherlands nationals should, on nomination day, also satisfy the requirements that:

(a) they have been a resident of the Netherlands for an uninterrupted period of at least five years;

(b) they are permitted to reside in the Netherlands under sections 9 or 10 of the Aliens Act (Bulletin of Acts, Orders and Decrees 1965, 40) or under the Treaty establishing the European Economic Community (Netherlands Treaty Series 1957, 91) or the Treaty establishing the Benelux Economic Union (Treaty Series 1958, 18).

3. Persons as referred to in subsection 2 who work in the Netherlands in the employ of another State whose nationality they possess and their non-Netherlands spouse or partner and children, in so far as they have a joint household, shall not be entitled to vote.

4. For the purposes of subsection 2 the following persons shall be equated with persons entitled to reside in the Netherlands under sections 9 or 10 of the Aliens Act:

(a) those in respect of whose request for an extension of the validity of a permit under section 9 of that Act no final decision has yet been taken;

(b) those whose permit under sections 9 or 10 of that Act has been cancelled, if the decision on cancellation is not yet final;

(c) those who have ceased to belong to a category to which the provisions of section 10, subsection 2, of that Act apply and in respect of whose request for the granting of a permit under sections 9 or 10, subsection 1, of that Act no final decision has yet been taken.

#### Section B 4

1. For the purposes of this Act, residents of the Netherlands or of a province or municipality are persons who have their actual place of residence in the Netherlands or in the province or municipality respectively.
2. Those who are entered in the register of persons of a municipality shall, for the purposes of this Act and subject to proof to the contrary, be deemed to have their actual place of residence in that municipality.
3. Those who are entered in the central register of persons shall, for the purposes of this Act and subject to proof to the contrary, be deemed to have their actual place of residence in the Netherlands, but not in a province or municipality.

#### Section B 5

1. The following persons shall be disqualified from the franchise:
  - (a) those who have been disqualified from voting by the final decision of a court;
  - (b) those who have been declared by final decision of a court as lacking legal capacity to enter into transactions on account of a mental disturbance.The disqualification shall be assessed by reference to the condition on nomination day.
2. Our Minister of Justice shall ensure that notice of every final decision of a court as referred to in subsection 1 is given as quickly as possible to the burgomaster of the municipality where the person concerned is entered in the register of persons or, if it is a person who is entered in the central register of persons but not in any other register of persons in the Netherlands, to the head of the Government Inspectorate of Population Registers, together with a note of the name, initials or first names, address and date of birth and of the duration of the disqualification.
3. Upon receipt of the notice referred to in subsection 2 the burgomaster shall notify the person concerned of his disqualification and the duration thereof. If it relates to a person who is entered in the central register of persons but not in any other register of persons in the Netherlands, the notice shall be given to the burgomaster of The Hague.

#### Section B 6

1. Persons entitled to vote who are lawfully deprived of their liberty on polling day shall exercise the franchise by voting by proxy.
2. This limitation shall not apply:
  - (a) to those who have sufficient freedom of movement on polling day to be able to take part in person in the voting;
  - (b) to those who are entitled to periodic leave under the regime of the institution in which they are staying.
3. Rules relating to voting by proxy by the persons referred

to in subsection 1 may be made by Order in Council.

## CHAPTER C

The term of office of the members of the Lower House of the States-General, of the provincial councils and of the municipal councils

### Section C 1

1. The members of the Lower House are elected for a term of four years.
2. They shall retire simultaneously on the Tuesday in the period from 15 to 21 March or, in a leap year, on the Tuesday in the period from 14 to 20 March.

### Section C 2

The members of the Lower House elected after the dissolution of the House shall retire simultaneously on the first Tuesday in the period referred to in section C 1, subsection 2, after four years have elapsed since the sitting of the central electoral committee at which the result of the election was announced.

### Section C 3

1. If the date provided for in section C 1, subsection 2, or in section C 2, falls in a year in which the election of the members of the provincial councils or the municipal councils is held, the members of the Lower House shall retire simultaneously on the Tuesday in the period from 17 to 23 May.
2. The members of the Lower House who are elected to fill the places of members who have retired on the date referred to in subsection 1 shall, unless the circumstance referred to in subsection 1 arises again, retire simultaneously on the first Tuesday in the period referred to in section C 1, subsection 2, following the expiry of three years since the sitting of the central electoral committee at which the result of the election was announced.

### Section C 4

1. The members of the provincial councils and of the municipal councils are elected for a term of four years.
2. They shall retire simultaneously on the Tuesday in the period from 12 to 18 April.

### Section C 5

A person who has been appointed as a member to fill a casual vacancy shall retire on the date on which the person in whose place he has been appointed would have had to retire.

## CHAPTER D

### Registration of the franchise

#### Section D 1

1. The burgomaster and aldermen shall register the franchise of the residents of the municipality in the municipal population records.

2. The head of the local police force as referred to in section 1 of the Aliens Act shall notify the burgomaster and aldermen of the acquisition or loss by non-Netherlands residents of the right to reside in the Netherlands as referred to in section B 3, subsection 2 (b).

#### Section D 2

The burgomaster and aldermen of The Hague shall register the franchise of the persons listed in the central register of persons. The head of the Government Inspectorate of Population Registers shall provide them with the necessary information for this purpose.

#### Section D 3

1. For every election of the Lower House, the burgomaster and aldermen of The Hague shall register the franchise of persons who have their actual place of residence outside the Netherlands, if they have submitted a written request to this effect.

2. The request shall not be filed earlier than four months before nomination day. When filing the request, the applicant shall prove that he has the franchise, if necessary by submitting documentary evidence.

3. The request shall be made to the head of the consular post within whose jurisdiction the applicant's place of residence falls. The head of the post shall forward the request as quickly as possible to the burgomaster and aldermen of The Hague.

4. If the request is made by a person as referred to in section B 1, subsection 2 (a), it shall be made to the head of the office of the Governor of the Netherlands Antilles or of Aruba. The head of the office shall forward the request as quickly as possible to the burgomaster and aldermen of The Hague.

5. If the request is made by a person as referred to in section B 1, subsection 2 (b), who has not had his actual place of residence in the Netherlands for a period of at least ten years, it shall be made to Our Minister under whose Ministry the work of the relevant official falls. Our Minister shall forward the request as quickly as possible to the burgomaster and aldermen of The Hague.

6. If the request is made by a person who has his actual place of residence in a country with which the Netherlands has no diplomatic relations, the request shall be made to the



burgomaster and aldermen of The Hague.

7. The request shall be received at the latest on the twentieth day before nomination day by the body with which it must be filed.

8. The burgomaster and aldermen of the municipality of The Hague shall decide on the request no later than on the seventh day after they have received it.

9. When and where the request forms may be obtained, free of charge, by the electors shall be regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

#### Section D 4

The burgomaster and aldermen shall immediately notify any person at his request whether he is registered as an elector. If the person making the request is not registered as an elector, he shall be notified of the reasons for this no later than on the seventh day after receipt of the request.

#### Section D 5

1. Any person may request the burgomaster and aldermen in writing to have the registration reviewed on the ground that he is not registered, or not registered in the correct way, as an elector.

2. The request should state reasons. If necessary, documentary evidence shall be filed.

#### Section D 6

The burgomaster and aldermen shall decide on the request for review no later than on the seventh day after the receipt thereof and shall if necessary alter the municipal population records accordingly.

#### Section D 7

The burgomaster and aldermen shall immediately send a copy of the decision to the applicant.

#### Section D 8

The burgomaster and aldermen of The Hague shall remove the name of a person who is registered as an elector pursuant to section D 3, subsection 1, from the register if they become aware of circumstances on account of which the relevant person should not be registered as an elector. They shall give him immediate written notice hereof.

#### Section D 9

1. Section 7, subsection 2, of the Administrative Jurisdiction (Government Orders) Act (Bulletin of Acts, Orders and Decrees 1975, 284) and sections 75 to 77 and 107 to 119 of the Council of State Act (Bulletin of Acts, Orders and Decrees

1986, 670) shall not apply to a notice of appeal under the Administrative Jurisdiction (Government Orders) Act against a decision as referred to in sections D 3, subsection 8, D 6 or D 8.

2. Notwithstanding section 73, subsection 4, of the Council of State Act, the notice of appeal shall also be dealt with after proof of a payment order accepted by a credit institution registered under the Credit Control Act (Bulletin of Acts, Orders and Decrees 1978, 255) has been received at the secretariat of the Council of State, and the appeal shall be held to be inadmissible if the payment or the said proof has not been received at the clerk's office within a period set by the president of the Judicial Division of the Council of State.

3. After receipt of the notice of appeal the chairman shall determine as quickly as possible the place, day and hour at which the public hearing of the case by the Division will take place, and shall give immediate notice of this to the interested parties. A copy of the documents received shall be immediately sent to the burgomaster and aldermen.

4. The burgomaster and aldermen shall be entitled to file a memorandum and items of evidence with the president within a period set by the president. The secretary to the Council of State shall forward a copy of these documents to the appellant.

#### Section D 10

Further rules governing registration of the franchise may be made by Order in Council.

### CHAPTER E

#### Election districts, electoral wards and electoral committees

##### \* 1 Election districts

#### Section E 1

1. For the election of the members of the Lower House the Netherlands shall be divided into election districts in accordance with the table attached to this Act.

2. The election districts for the election of the members of the Lower House shall also be the elections districts for the election of the members of the provincial councils. Provincial councils may divide these election districts into more election districts for the election of the members of the provincial councils.

3. For the election of the members of the municipal councils, each municipality shall form a single election district.

##### \* 2 Electoral wards

#### Section E 2

A municipality may be divided by the burgomaster and aldermen

into electoral wards. If this division does not take place, the municipality shall form a single electoral ward.

### \* 3 Electoral committees

#### Section E 3

1. There shall be an electoral committee for each electoral ward.
2. Each electoral committee shall consist of three members, one of whom is the chairman.

#### Section E 4

The burgomaster and aldermen shall appoint the members of each electoral committee and a sufficient number of deputy members.

### \* 4 Principal electoral committees

#### Section E 5

1. A principal electoral committee shall be established in each election district for the election of the members of the Lower House. It shall be situated in the municipality designated for this purpose in the table referred to in Section E 1, subsection 1.
2. The principal electoral committee shall consist of five members, one of whom is chairman and another of whom is deputy chairman.
3. The chairman shall be the burgomaster of the municipality in which the principal electoral committee is situated. The deputy chairman and the other members and the three deputy members shall be appointed and dismissed by Our Minister for Home Affairs.

#### Section E 6

1. A principal electoral committee shall be established in each election district for the election of the members of the provincial councils. It shall be situated in the municipality designated for this purpose by the provincial council.
2. The principal electoral committee shall consist of five members, one of whom is chairman and another of whom is deputy chairman.
3. The chairman shall be the burgomaster of the municipality in which the principal electoral committee is situated. The deputy chairman and the other members and the three deputy members shall be appointed and dismissed by the provincial executive.

#### Section E 7

1. A principal electoral committee consisting of five members, one of whom is chairman and one deputy chairman, shall be established for the election of the members of the municipal council.

2. The burgomaster shall be the chairman of the principal electoral committee. The deputy chairman and the other members and the three deputy members shall be appointed and dismissed by the burgomaster and aldermen.

#### Section E 8

The appointments referred to in sections E 5, E 6 and E 7 are made for a term of four calendar years. A person who has been appointed to fill a casual vacancy shall retire on the date on which the person in whose place he has been appointed would have had to retire.

#### Section E 9

The burgomaster and aldermen shall designate a suitable room in which to hold the sittings of the principal electoral committee.

#### Section E 10

Further rules regarding the establishment, composition and procedure of the principal electoral committee may be made by Order in Council.

#### \* 5 Central electoral committees

#### Section E 11

1. There shall be one central electoral committee for the election of each representative body.
2. The Election Council shall act as central electoral committee for the election of the members of the Lower House.
3. The principal electoral committee of the election district in which the municipality is situated where the meeting of the provincial council is held shall also serve as central electoral committee for the election of the members of the provincial councils.
4. The principal electoral committee shall also serve as central electoral committee for the election of the members of the municipal council.

#### CHAPTER F

#### Date of nominations

#### Section F 1

1. The nominations for the election of the members of the Lower House, provincial council and municipal council shall take place on the Tuesday in the period from 18 to 24 January.
2. In the case referred to in section C 3, subsection 1, the nominations for the election of the members of the Lower House shall take place on the Tuesday in the period from 22 to 28 March.

## Section F 2

In the event of the dissolution of the Lower House, the nominations shall take place within forty days of the date of the royal decree of dissolution, on a day to be set in that decree.

## CHAPTER G

### Registration of the appellation of a political grouping

#### Section G 1

1. A political grouping which is an association having full legal capacity may apply in writing to the central electoral committee for the election of the members of the Lower House to enter the appellation by which it wishes to be known on the list of candidates for that election in a register kept by the central electoral committee. Requests filed after the forty-third day before nomination day shall be disregarded for the purpose of the next election.

2. A deposit of one thousand guilders shall be paid to the central government for the registration referred to in subsection 1. The person who has made the payment shall be issued with a receipt for it. The deposit shall be returned to him after a valid list of candidates for the next election has been filed following the decision on the request.

3. The following shall be filed with the request:

- (a) a copy of the notarial instrument containing the charter of the association;
- (b) a proof of entry in the register referred to in article 29, paragraph 1, of Book 2 of the Civil Code;
- (c) the proof of payment referred to in subsection 2;
- (d) a declaration by the political grouping containing the designation of its authorised agent and deputy agent at the central electoral committee, which applies as long as it has not been replaced by another.

4. The central electoral committee shall refuse the request only if:

- (a) the appellation is contrary to public policy;
- (b) the appellation is identical or similar to the previously registered appellation of another political grouping or to an appellation for which a request for registration has been previously filed under this section and as a result of which there is a risk of confusion;
- (c) the appellation is misleading for the electors in some other way;
- (d) the appellation contains more than 35 letters or other signs;
- (e) the appellation is identical or similar to that of a legal person which has been banned by final decision of a court and has therefore been dissolved;
- (f) the request has been received by the central electoral committee on the same day as another request for registration of an identical or similar appellation, unless this other request must be refused on one of the grounds referred to at

(a) to (e).

5. The decision of the central electoral committee on the request shall be forwarded to the agent. Notice of the decision shall be given in the Netherlands Government Gazette.

6. The central electoral committee shall cancel the appellation in the register and give notice of this in the Netherlands Government Gazette if:

- (a) the political grouping has ceased to exist;
- (b) the political grouping has made a request to this effect;
- (c) the political grouping has been banned as an association by final decision of a court and has therefore been dissolved;
- (d) no use has been made of the power referred to in subsection 2 or 3 of section H 3 for the previous election of the members of the Lower House.

7. On the fourteenth day before the nominations for the election of the members of the Lower House and on the fortieth day before the nominations for the election of the members of the provincial council or of the municipal council, the central electoral committee shall publish in the Netherlands Government Gazette the appellations of political groupings registered by it, in so far as such registration is final, and the names of the agents and their deputies.

## Section G 2

1. A political grouping which is an association having full legal capacity and whose appellation is not already registered with the central electoral committee for the election of the members of the Lower House may apply in writing to the central electoral committee for the election of the members of the provincial council to enter the appellation by which it wishes to be included on the list of candidates for that election in a register kept by the central electoral committee. Requests filed after the forty-third day before nomination day shall be disregarded for the purpose of the next election.

2. A deposit of five hundred guilders shall be paid to the municipality where the central electoral committee is situated for the registration referred to in subsection 1. The person who has made the payment shall be issued with a receipt for it. The deposit shall be returned to him after a valid list of candidates for the next election has been filed following the decision on the request.

3. The following shall be filed with the request:

- (a) a copy of the notarial instrument containing the charter of the association;
- (b) a proof of entry in the register referred to in article 29, paragraph 1, of Book 2 of the Civil Code;
- (c) the proof of payment referred to in subsection 2;
- (d) a declaration by the political grouping containing the designation of its authorised agent and deputy agent at the central electoral committee, which applies as long as it has not been replaced by another.

4. The central electoral committee shall refuse the request only if:

- (a) the appellation is contrary to public policy;
- (b) the appellation is identical or similar to the previously

registered appellation of another political grouping or to an appellation for which a request for registration has been previously filed under this section or section G 1 and as a result of which there is a risk of confusion;

(c) the appellation is misleading for the electors in some other way;

(d) the appellation contains more than 35 letters or other signs;

(e) the appellation is identical or similar to that of a legal person which has been banned by final decision of a court and has therefore been dissolved;

(f) the request has been received by the central electoral committee on the same day as another request for registration of an identical or similar appellation, unless this other request must be refused on one of the grounds referred to at (a) to (e).

5. The decision of the central electoral committee on the request shall be forwarded to the agent. Notice of the decision shall be given in the Netherlands Government Gazette.

6. The central electoral committee shall cancel the appellation in the register and give notice of this in the Netherlands Government Gazette if:

(a) the political grouping has ceased to exist;

(b) the political grouping has made a request to this effect;

(c) the political grouping has been banned as an association by final decision of a court and has therefore been dissolved;

(d) no use has been made of the power referred to in subsection 2 or 3 of section H 3 for the previous election of the members of the provincial council.

7. On the fourteenth day before the nominations for the election of the members of the provincial council and on the fortieth day before the nominations for the election of the members of the municipal council, the central electoral committee shall publish in the Netherlands Government Gazette the appellations of political groupings registered by it, in so far as such registration is final, and the names of the agents and their deputies.

### Section G 3

1. A political grouping which is an association having full legal capacity and whose appellation is not already registered with the central electoral committee for the election of the members of the Lower House or the provincial council, as the case may be, may apply in writing to the central electoral committee for the election of the members of the municipal council to enter the appellation by which it wishes to be included on the list of candidates for that election in a register kept by the central electoral committee. Requests filed after the forty-third day before nomination day shall be disregarded for the purpose of the next election.

2. A deposit of two hundred and fifty guilders shall be paid to the municipality for the registration referred to in subsection 1. The person who has made the payment shall be issued with a receipt for it. The deposit shall be returned to him after a valid list of candidates for the next election has

been filed following the decision on the request.

3. The following shall be filed with the request:

- (a) a copy of the notarial instrument containing the charter of the association;
- (b) a proof of entry in the register referred to in article 29, paragraph 1, of Book 2 of the Civil Code;
- (c) the proof of payment referred to in subsection 2;
- (d) a declaration by the political grouping containing the designation of its authorised agent and deputy agent at the central electoral committee, which applies as long as it has not been replaced by another.

4. The central electoral committee shall refuse the request only if:

- (a) the appellation is contrary to public policy;
- (b) the appellation is identical or similar to the previously registered appellation of another political grouping or to an appellation for which a request for registration has been previously filed under this section or sections G 1 or G 2, and as a result of which there is a risk of confusion;
- (c) the appellation is misleading for the electors in some other way;
- (d) the appellation contains more than 35 letters or other signs;
- (e) the appellation is identical or similar to that of a legal person which has been banned by final decision of a court and has therefore been dissolved;
- (f) the request has been received by the central electoral committee on the same day as another request for registration of an identical or similar appellation, unless this other request must be refused on one of the grounds referred to at (a) to (e).

5. The decision of the central electoral committee on the request shall be forwarded to the agent and published in the normal way in the municipality.

6. The central electoral committee shall cancel the appellation in the register and publish this in the normal way in the municipality if:

- (a) the political grouping has ceased to exist;
- (b) the political grouping has made a request to this effect;
- (c) the political grouping has been banned as an association by final decision of a court and has therefore been dissolved;
- (d) no use has been made of the power referred to in subsection 2 or 3 of section H 3 for the previous election of the members of the municipal council.

#### Section G 4

1. Without prejudice to the provisions of subsection 2 a registered appellation which has been published in accordance with the provisions of sections G 1 or G 2 shall also be valid for the election of the members of a provincial council and of a municipal council or for the election of the members of the municipal council, as the case may be.

2. The central electoral committee for the election of the members of a provincial council or of a municipal council, as the case may be, may determine that the extension of the



effect of the registration referred to in subsection 1 shall not occur if the registered appellation is identical or similar to the appellation of another political grouping, as a result of which there is a risk of confusion.

3. A decision as referred to in subsection 2 shall be taken no later than the fourteenth day after the date of the Netherlands Government Gazette in which the publication referred to in section G 1, subsection 7, or section G 2, subsection 7, has been made. A copy of the decision shall be immediately forwarded to the agent of the relevant grouping.

#### Section G 5

1. Notwithstanding section 9 of the Administrative Jurisdiction (Government Orders) Act, a notice of appeal under this Act against:

(a) a decision as referred to in sections G 1 and G 2 shall be filed no later than on the sixth day after the date of the Netherlands Government Gazette in which the decision is published or after the day on which the decision is deemed to have been refused;

(b) a decision as referred to in section G 3 shall be filed no later than on the sixth day after the date of the publication referred to in subsection 5 of that section or after the day on which the decision is deemed to have been refused;

(c) a decision as referred to in section G 4 shall be filed no later than on the sixth day after the date on which the copy referred to in subsection 3 of that section is sent or after the day on which the decision is deemed to have been refused.

2. Section 7, subsection 2, and sections 11 and 12 of the Administrative Jurisdiction (Government Orders) Act, and sections 75 to 77 and section 105, subsection 2, last sentence, to section 119 of the Council of State Act shall not apply to the notice of appeal.

3. Section D 9, subsections 2 to 4, shall apply *mutatis mutandis*.

#### Section G 6

1. Further rules regarding the payment of deposits for the registration shall be laid down by Order in Council.

2. Specimens of the registers in which the appellations for political groupings are to be stated, of the public notices regarding the registered appellations and the names of the agents and their deputies, and of the proof of payment of the deposit shall be established by Ministerial regulation.

### CHAPTER H

#### Lodgment of the lists of candidates

##### Section H 1

1. From 9 a.m. to 3 p.m. on nomination day, lists of candidates may be lodged with the chairman of the principal electoral committee, or with a member of the committee

designated by him, at the clerk's office of the municipality where this committee is situated. At least three weeks before nomination day the burgomaster of each municipality shall publish notice of this.

2. When and where the forms for the lists of candidates may be obtained, free of charge, by the electors shall be regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

## Section H 2

1. In the case of an election of the members of the Lower House or of the provincial council of a province consisting of more than one election district, it is sufficient for the lists to be lodged with one principal electoral committee if the political grouping is taking part in all the election districts with lists of candidates containing over thirty names of candidates and the names are, with the exception of not more than the last five, the same and are placed in the same order. In the case of lists of candidates on which all the candidates are the same and are placed in the same order, it is sufficient as regards lists of candidates of political groupings whose appellation was placed above a list of candidates to which one or more seats were awarded at the last election of the members of the Lower House or of the provincial council for one list to be lodged with one principal electoral committee. The provisions of the previous sentences shall also apply in cases where the appellations of two or more groupings are combined.

2. The lodgment referred to in subsection 1 shall be effected at the principal electoral committee of election district 12 (The Hague) if it relates to an election of the members of the Lower House, and at the principal electoral committee of the election district in which the municipality is situated where the meeting of the provincial council is held if it relates to an election of the members of the provincial council. For the purpose of sections H 11 and 1 10, subsection 2, this lodgment shall be deemed to have taken place in all election districts.

## Section H 3

1. The list shall be lodged personally by an elector qualified to take part in the election. If the person lodging it is not registered as an elector in the municipality where the principal electoral committee is situated, he shall also lodge a declaration from the burgomaster and aldermen of the municipality where he is registered as an elector that he is qualified to take part in the election. The chairman of the principal electoral committee or the member of that committee designated by him may require the person lodging the list to produce evidence of his identity. The candidates may be present at the lodgment.

2. The person lodging the list may be authorised by the agent referred to in subsection 3 of sections G 1, G 2 or G 3 to place at the top of the list the appellation of the relevant grouping as registered by the central electoral committee. A

declaration by the agent evidencing this authorisation shall be lodged with the list.

3. The person who lodges the list shall be qualified to place at the top of it an appellation formed by a combination of the appellations or abbreviations registered for the relevant election, if he is granted the power for this purpose by the agents of the various groupings. A declaration by the agents evidencing this power shall be lodged with the list. An appellation formed in this way may not contain more than 35 letters or other signs.

4. The person who has lodged the list shall receive a proof thereof from the chairman of the principal electoral committee or from the member of the committee designated by him.

5. When and where the forms for the declarations relating to the placing of appellations of political groupings above lists of candidates may be obtained, free of charge, shall be regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

#### Section H 4

1. At least 10 written declarations by electors stating that they support the list shall be submitted with the list. The candidates shall be listed in the same way and in the same order on these declarations.

2. Declarations of support may be made only by persons who are registered within the election district to which the list applies as an elector for the relevant election.

3. An elector who wishes to make a declaration of support shall, within seven days prior to the nomination, sign this declaration at the clerk's office of the municipality where he is registered as an elector, in the presence of the burgomaster and a municipal official designated for this purpose by him. The elector shall show the burgomaster or the municipal official evidence of his identity.

4. The burgomaster or the municipal official designated by him for this purpose shall immediately check whether the elector is registered in his municipality. If this proves to be the case, he shall note this on the declaration.

5. An elector may not sign more than one declaration of support.

6. Once submitted, a declaration of support may not be retracted.

7. When and where the forms for the declarations of support may be obtained, free of charge, by the electors shall be regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

8. The obligation referred to in subsection 1 shall not apply to a list of candidates of a political grouping if the appellation thereof was placed above a list of candidates to which one or more seats were awarded at the last election of the members of the relevant representative body. The provisions of the previous sentences shall also apply in cases where the appellations of two or more groupings are combined.

## Section H 5

An agent and, if desired, his deputies may be designated on a list to merge the list with other lists to form a combined list. In addition, one or more persons shall be mentioned on the list who are qualified, in the absence of the person lodging it, to rectify any omissions as referred to section I 2.

## Section H 6

1. The names of the candidates shall be placed on the lists in the order in which preference is given to them.
2. The names of no more than thirty candidates may be placed on the same list. In the case of a political grouping whose appellation was placed above a list of candidates to which more than fifteen seats were awarded at the last election of the members of the relevant representative body, the number of names that may be placed on the same list may not exceed twice the number of seats and may in any event never be more than eighty. The provisions of the previous sentence apply, *mutatis mutandis*, to cases in which the appellations of two or more groupings are combined.

## Section H 7

1. The name of a candidate may not appear on a list if the candidate will not attain the age required for membership of the body concerned during the term of office of the body for which the election is being held.
2. The name of the same candidate may not appear on more than one of the lists lodged with the same principal electoral committee.
3. If, in the case of the election of the members of a provincial council or a municipal council, the name of a candidate who is not a resident of the province or municipality, as the case may be, appears on a list, a declaration signed by that candidate and showing that, if elected, he intends to take up residence in the relevant province or municipality shall be submitted with the list.

## Section H 8

The way in which candidates are described on the list shall be regulated by Order in Council.

## Section H 9

1. A written declaration by each candidate appearing on the list that he consents to his nomination on this list shall be submitted with the list.
2. Once submitted, a declaration of consent may not be retracted.
3. When and where the forms for the declarations of consent may be obtained, free of charge, by the electors shall be

regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

4. If the candidate is outside the Netherlands, the declaration need not be made on a particular form and may also be made by telegram or telex.

#### Section H 10

1. A candidate whose place of residence is situated outside the Netherlands shall, in the declaration of consent, also designate an agent resident in the Netherlands, stating his name, initials, place of residence and address. If the candidate appears on more than one list, the same agent must be designated in each declaration. This agent shall be entitled, with the exclusion of the candidate, to perform the acts referred to in sections V 2, subsections 1, 4 and 5, and V 3, subsections 1 and 3.

2. The candidate shall be entitled to cancel an authorisation given in accordance with subsection 1. He shall give notice of this in writing or by telegram or telex to the chairman of the central electoral committee, if necessary designating a new agent.

#### Section H 11

1. Lists of candidates which are lodged in different election districts and on which the same candidates are placed in the same number and the same order shall together form a set of identical lists.

2. Lists of candidates which are lodged in different election districts and above which the same appellation of a political grouping is placed together from a group of lists. The provisions of the previous sentence shall also apply to cases in which the appellations of two or more groupings are combined.

#### Section H 12

1. If the election is of the members of the Lower House, a deposit of twenty-five thousand guilders shall be paid to the central government for each group of lists, each set of identical lists not forming part of a group and each separate list.

2. The payment obligation referred to in subsection 1 shall not apply to a list of candidates of a political grouping if its appellation was placed above a list of candidates to which one or more seats were awarded at the last election of the members of the Lower House. The provisions of the previous sentence shall apply, *mutatis mutandis*, to cases in which the appellations of two or more groupings are combined.

3. The person who has made the payment referred to in subsection 1 shall receive a proof thereof for each election district. This proof must be lodged with the list when it is filed.

4. After the result of the election has been determined by the central electoral committee, the deposit shall be returned

to the person who has made the payment, unless the total vote of the group of lists, the set of identical lists not forming part of a group or the separate list is lower than 75 per cent of the electoral quota referred to in section P 5. In this case the deposit shall be forfeited to the central government.

#### Section H 13

1. If the election is of the members of a provincial council, a deposit of two thousand five hundred guilders shall be paid to the municipality where the central electoral committee is located for each group of lists, each set of identical lists not forming part of a group and each separate list.

2. The payment obligation referred to in subsection 1 shall not apply to a list of candidates of a political grouping if its appellation was placed above a list of candidates to which one or more seats were awarded at the last election of the members of the provincial council. The provisions of the previous sentence shall apply, *mutatis mutandis*, to cases in which the appellations of two or more groupings are combined.

3. The person who has made the payment referred to in subsection 1 shall receive a proof thereof for each election district. This proof must be lodged with the list when it is filed.

4. After the result of the election has been determined by the central electoral committee, the deposit shall be returned to the person who has made the payment, unless the total vote of the group of lists, the set of identical lists not forming part of a group or the separate list is lower than 75 per cent of the electoral quota referred to in section P 5. In this case the deposit shall be forfeited to the municipality where the central electoral committee is located.

#### Section H 14

1. If the election is of the members of a municipal council, a deposit of five hundred guilders shall be paid to the municipality for each list.

2. The payment obligation referred to in subsection 1 shall not apply to a list of candidates of a political grouping if its appellation was placed above a list of candidates to which one or more seats were awarded at the last election of the members of the municipal council. The provisions of the previous sentence shall apply, *mutatis mutandis*, to cases in which the appellations of two or more groupings are combined.

3. The person who has made the payment referred to in subsection 1 shall receive a proof thereof for each election district. This proof must be lodged with the list when it is filed.

4. After the result of the election has been determined by the central electoral committee, the deposit shall be returned to the person who has made the payment, unless the total vote of the group of lists, the set of identical lists not forming part of a group or the separate list is lower than 75 per cent of the electoral quota referred to in section P 5. In this case the deposit shall be forfeited to the municipality.

## Section H 15

Further rules regarding the payment of deposits for the lists of candidates shall be made by Order in Council. Specimens of the proof of payment of the deposit shall be established by Ministerial regulation

## CHAPTER I

The examination, merger, numbering and publication of the lists of candidates

### \* 1 Examination of the lists of candidates

#### Section I 1

1. At 4 p.m. on nomination days, the principal electoral committee shall hold a sitting to examine the lists of candidates.
2. The principal electoral committee shall ensure that on the day after nomination day the central electoral committee receives the copies of the lodged lists of candidates.
3. If the option referred to in section H 2 is exercised, the principal electoral committee shall ensure that on the day after nomination day the other principal electoral committees receive a copy of the list of candidates which has been lodged for the relevant election district.

#### Section I 2

1. If one or more of the following omissions are discovered during the examination, the principal electoral committee shall immediately notify by registered letter or letter handed over in exchange for a dated receipt the person who lodged the list:
  - (a) that, if declarations of support must be submitted with the list, fewer than the minimum of ten declarations have been submitted, not including declarations which do not satisfy the provisions of section H 4, subsection 1, second sentence, and subsection 2, declarations which do not contain a note as referred to in section H 4, subsection 4, and the declarations of an elector who has signed more than one declaration;
  - (b) that, if the circumstance referred to in section H 7, subsection 3, occurs, the declaration that, if elected, the candidate intends to take up residence in the relevant province or municipality is missing;
  - (c) that a candidate has not been specified in accordance with the provisions of section H 8;
  - (d) that, as regards a candidate, the declaration that he consents to his nomination on the list is missing;
  - (e) that, in the case of an election of the members of the Lower House, a candidate whose place of residence is situated outside the Netherlands has not designated an agent in his declaration of consent;
  - (f) that, if a deposit must be paid for the list, the proof

that payment has been made is missing;

(g) that the list has not been personally lodged by an elector qualified to take part in the election;

(h) that, if the list has been lodged by an elector who is not registered as such in the municipality where the principal electoral committee is situated, the elector concerned has not submitted a declaration by the burgomaster and aldermen of the municipality where he is registered that he is qualified to take part in the election;

(i) that the declaration referred to in subsections 2 or 3 of section H 3 is missing.

2. The person who has lodged the list may rectify the omission or omissions specified in the notification at the clerk's office of the municipality where the principal electoral committee is situated no later than on the third day after the nomination, on the first and second days until 5 p.m. and on the third day from 9 a.m. to 3 p.m.

3. In the case referred in subsection 1 (g), an elector who would have been qualified to lodge the list may, by reporting in person at the municipal clerk's office, take the place of the person not qualified to lodge it; he shall then be deemed to have lodged the list personally. The provisions of the preceding sentence apply *mutatis mutandis* if the declaration referred to in subsection 1 (h) has still not been submitted.

4. If the person who has lodged the list is absent or unable to attend, the deputy described on the list pursuant to section H 5, second sentence, shall take his place.

### Section I 3

1. Immediately after the lists have been examined by the principal electoral committee, they and, if required, the declarations of support shall be deposited by the chairman at the clerk's office of the municipality where the principal electoral committee is situated for inspection by any person.

2. As soon as they are received, copies of lists of candidates lodged pursuant to section I 1, subsection 3, shall be deposited for inspection at the clerk's office of the municipality where the principal electoral committee is situated.

### Section I 4

On the third day after the nomination, the principal electoral committee shall decide, at a public sitting starting at 5 p.m., on the validity of the lists and on whether the candidates appearing on the list and the appellation of a political grouping placed above it can be allowed to stand.

### Section I 5

A list shall be invalid:

(a) if it is not lodged between 9 a.m. and 3 p.m. on nomination day with the chairman of the principal electoral committee or the member designated by him;

(b) if, where a deposit must be paid for the list, the proof



- that this payment has been made is not lodged with the list;
- (c) if, where declarations of support must be submitted with the list, fewer than ten valid declarations have been submitted;
  - (d) if it does not comply with the specimen established by Ministerial regulation;
  - (e) if it has not been personally lodged by an elector qualified to take part in the election;
  - (f) if a declaration by the burgomaster and aldermen that the person lodging the list is registered in their municipality and is qualified to take part in the election is required but has not been submitted;
  - (g) if all the candidates have been struck off it pursuant to section I 6.

#### Section I 6

1. The principal electoral committee shall strike from the list, in the order indicated in this subsection, the name of a candidate:

- (a) who has not been described in accordance with the provisions of section H 8;
- (b) for whom a declaration that he consents to his nomination has not been submitted;
- (c) whose place of residence is situated outside the Netherlands, if the designation of an agent is missing;
- (d) who will not attain the age required for membership of the body concerned during the term of office of the body for which the election is being held;
- (e) who is not, in the case of the election of the members of a provincial council or municipal council, a resident of the relevant province or municipality and with regard to whom the declaration that he intends to take up residence in the said province or municipality is missing;
- (f) who has declared that he intends to take up residence in the province or municipality, as the case may be, but who is also discovered to have made a similar declaration for the election of the members of the council of another province or the council of another municipality as the case may be;
- (g) who appears on more than one of the lists lodged with the principal electoral committee, unless they are lists of candidates as referred to in section H 2, subsection 1, first sentence;
- (h) in respect of whom an extract from the register of deaths or a copy of his death certificate has been submitted;
- (i) who appears on the list after the maximum number of names permitted.

2. The principal electoral committee shall strike from the list, in the order indicated in this subsection, the appellation of a political grouping, if:

- (a) a declaration as referred to in subsections 2 or 3 of section H 3 is missing in respect of it;
- (b) the appellation has been placed above more than one of the lists lodged with the principal electoral committee.

3. If the appellation of a political grouping does not correspond with that under which it has been registered, the

principal electoral committee shall alter it ex officio so that it does correspond.

#### Section I 7

1. Notwithstanding section 9 of the Administrative Jurisdiction (Government Orders) Act, a notice of appeal under this Act against a decision as referred to in section I 4 shall be filed no later than on the fourth day after the date on which the decision is given or is deemed to have been refused. Without prejudice to the provisions of section 7, subsection 1, of the Act, the appeal may be lodged by every elector.

2. Section 7, subsection 2, and sections 11 and 12 of the Administrative Jurisdiction (Government Orders) Act, and sections 75 to 77 and section 105, subsection 2, last sentence, to section 119 of the Council of State Act shall not apply to the notice of appeal.

3. Section D 9, subsections 2 to 4, shall apply *mutatis mutandis*.

4. The Judicial Division of the Council of State shall give judgment no later than on the sixth day after the notice of appeal has been received.

5. If the judgment of the Judicial Division is that a decision as referred to in section I 4 should be wholly or partly quashed, the Division shall make a provision in the case.

6. The president of the Judicial Division shall immediately notify the person who has lodged the appeal and the chairman of the principal electoral committee of the judgment of the Division and, if subsection 5 applies, of the provision made.

#### Section I 8

1. If an appeal has been instituted against a decision in which a principal electoral committee has declared a list invalid or has struck off the name of a candidate or the appellation of a political grouping on the ground of one or more of the omissions referred to in section I 2, subsection 1, without having first informed the person who has lodged the list of the existence of such omissions in accordance with the provisions of that section, the latter may rectify the omission or omissions at the secretariat of the Council of State. Section I 2, subsections 3 and 4, shall apply *mutatis mutandis*.

2. If an omission has been rectified in accordance with subsection 1, the Judicial Division of the Council of State shall take this into account in its judgment.

#### Section I 9

1. Once the period referred to in section I 7, subsection 1, has expired without an appeal being instituted or, where an appeal has been instituted, once the provisions of subsection 6 of section I 7 have been applied, the chairman of the principal electoral committee shall immediately notify the

central electoral committee of the valid lists that have been lodged. He shall also indicate what alterations have been to them since nomination day. If the option referred to in section H 2, subsection 1, is exercised, the same notification shall be given to the other principal electoral committees.

2. If the election is of the members of a municipal council or the council of a province which forms a single election district, the notification to the central electoral committee is not necessary. For the purpose of section I 17, subsection 1, it shall be deemed to have been given immediately.

3. A specimen of the notification form shall be established by Ministerial regulation.

\* 2 The merger of lists of candidates to form a combined list

#### Section I 10

1. Between 9 a.m. and 5 p.m. on nomination day, lists of candidates of different political groupings may be merged to form a combined list by the lodgment with the central electoral committee of a joint declaration in writing to this effect by the agents specified on the lists.

2. Such a merger may be effected only:

(a) between political groupings whose appellation for the relevant election has been registered and which have filed a list in all election districts;

(b) if the combination occurs in all election districts with the same grouping or groupings.

3. The provisions of subsection 2, opening words and (a), shall also apply to the combining of appellations of two or more groupings, if the appellation formed in this way appears on all the lists filed on behalf of these groupings.

4. A specimen of the declaration referred to in subsection 1 shall be established by Ministerial regulation.

#### Section I 11

The central electoral committee shall decide on the validity of the combined lists at the sitting referred to in section I 12.

\* 3 The numbering of the lists of candidates

#### Section I 12

The central electoral committee shall number the lists of candidates at a public sitting held on the second day after nomination day.

#### Section I 13

For the purpose of the numbering the groups of lists and the sets of identical lists not forming part of a group shall be treated as a single list.

#### Section I 14

1. The first lists to be numbered shall be those of political groupings whose appellation was placed above a list of candidates to which one or more seats were awarded at the last election of the members of the relevant representative body. These lists shall be numbered from 1 onwards in the order of the total votes cast for the relevant lists at that election, provided always that the number 1 is given to the list of the grouping with the largest number of votes. In the event of a tied vote, the matter shall be determined by lot. The provisions of the previous sentences shall apply, *mutatis mutandis*, to cases in which the appellations of two or more groupings are combined.
2. Subsequently, the other groups of lists shall be numbered with the numbers following the last number given pursuant to subsection 1, and sets of identical lists of which a list has been lodged in all election districts shall be designated in the order indicated by drawing lots.
3. Thereafter, the other groups of lists and sets of identical lists shall be numbered with the numbers following the last number given pursuant to subsection 2, in the order of the number of election districts where a list belonging to it has been lodged, provided always that the next number will be given to the group of lists or the set of identical lists of which a list has been lodged in the greatest number of election districts. Where the number of election districts is the same, the matter shall be decided by lot.
4. Finally, the separate lists in respect of each election district shall be given by lot the numbers which have not yet been given to another list in any election district.

#### Section I 15

1. Immediately after the numbering has taken place, the chairman of the central electoral committee shall publish the numbers given to the various lists.
2. If the election is of the members of the Lower House, the notification shall be placed in the Netherlands Government Gazette.
3. If the election is of the members of a provincial council or a municipal council, the notification shall be given in the manner customary in the province or municipality, as the case may be.

#### Section I 16

A decision to declare a list of candidates invalid shall not affect the numbers given to the other lists of candidates.

#### \* 4 Publication of the lists of candidates

##### Section I 17

1. After the notification referred to in section I 9, subsection 1, first sentence, has been received from all the principal electoral committees, the chairman of the central electoral committee shall publish the lists as quickly as possible. In doing so, he shall also state which lists have been merged to form a combined list.

2. Publication shall be effected:

if the election is of the members of the Lower House, by the placing of the lists, arranged according to the election districts and with a note of their numbers and, where appropriate, the appellations of the political groupings, in the Netherlands Government Gazette;

if the election is of the members of a provincial council or municipal council, by depositing for inspection by any person the lists, bearing the numbers and, where appropriate, the appellations of the political groupings, at the clerk's office of the municipality where the central electoral committee is situated. The chairman of the central electoral committee shall at the same time publicly announce that they have been deposited for inspection.

#### \* 5 Final provision

##### Section I 18

1. A report shall be drawn up of the sittings referred to in sections I 1, I 4 and I 12. The report shall be available for inspection by any person.

2. The electors present at the sittings referred to in sections I 4 and I 12 may make objections. Mention of these objections shall be made in the report.

3. The following shall be regulated by Order in Council:

(a) the place where the report is deposited for inspection;

(b) the announcement of the time and place of the sitting referred to in section I 4 or I 12, as the case may be.

4. A specimen of the report shall be established by Ministerial regulation.

#### CHAPTER J

##### The voting

#### \* 1 General provisions

##### Section J 1

1. The voting shall take place on the forty-third day after nomination day. If the forty-third day after nomination day is 4 May or Ascension Day, the voting shall take place on the forty-second day. If the forty-third day after nomination day is 5 or 6 May and is also the day before Ascension Day, the

voting shall take place on the fiftieth day.

2. The voting shall start at 8 a.m. and continue until 7 p.m.

#### Section J 2

In each election district the voting shall be between the candidates whose names appear on the lists of candidates declared valid for that election district.

#### Section J 3

Except in the cases referred to in chapters K, L and M, the elector shall cast his vote in the municipality where he is registered as an elector on nomination day.

#### Section J 4

1. The burgomaster and aldermen shall designate a suitable polling station for each electoral ward. Further rules on this may be made by Order in Council.

2. The burgomaster and aldermen shall ensure that as many polling stations as possible are situated and equipped in such a way that they are suitable for electors with physical disabilities. The burgomaster shall publicly announce the addresses of these polling stations, giving notice at the same time that votes may be cast there in accordance with the provisions of chapter K.

3. At the request of the burgomaster and aldermen, the boards of private schools shall make available suitable rooms, and the furniture they contain, for use as polling stations, if desired in consideration of payment of the expenses incurred as a result.

4. The burgomaster shall be responsible for equipping the polling station and shall if necessary designate persons to assist the electoral committee.

#### Section J 5

The elector shall vote in the polling station of the electoral ward designated for him.

#### Section J 6

The municipal council may decide that, at the same time as the voting in the polling station, another poll called by the municipal council shall be held in the polling station. Regulations governing combined polls shall be made by or pursuant to Order in Council.

#### \* 2 Voter registration card

#### Section J 7

At least fourteen days before polling each elector who is qualified to vote shall receive a voter registration card from the burgomaster of the municipality where he is registered as

an elector on nomination day. A specimen of the voter registration card shall be established by Ministerial regulation.

#### Section J 8

An elector who is qualified to vote but whose voter registration card has been mislaid or who has received no card shall, at his request, be issued with a new voter registration card by or on behalf of the burgomaster, provided that he produces evidence of his identity. The electoral committee shall also be entitled to issue a new card.

#### Section J 9

The burgomaster shall bring the lists of candidates to the attention of the electors in the manner determined by Order in Council.

#### Section J 10

Each employer shall be bound to ensure that each elector who is in his employ has the opportunity to cast his vote in so far as this cannot occur outside the fixed working hours and provided that the elector is not as a result prevented from performing his work for more than two hours.

#### \* 3 The electoral committee

#### Section J 11

1. The chairman and the members of the electoral committee and the persons who assist the electoral committee may, if they are qualified to vote for the body for which the election is being held, cast their vote either at the polling station concerned or, if they so choose, at the polling station of the electoral ward designated for them.
2. If they belong to another electoral ward, mention of the casting of their vote shall made in the report.

#### Section J 12

1. During the sitting the chairman and two members of the electoral committee shall always be present.
2. The electoral committee shall decide who is to act as the second and third members of the electoral committee.
3. In the absence of the chairman, the second member shall act as chairman, and in his absence the third member.
4. In the absence of a member, his place shall be taken by a deputy member designated by or on behalf of the burgomaster and aldermen.
5. If no deputy member is available, the chairman shall request one of the electors whom he considers suitable and who is present in the polling station to act as such until one does become available.
6. A note of the changes in the composition of the electoral

committee and of the time of the replacement shall be made in the report.

#### Section J 13

If there is a tied vote when the electoral committee takes a decision, the chairman shall have the casting vote.

#### Section J 14

The members of the electoral committee shall not give any sign of their political convictions while carrying out their duties.

#### \* 4 The equipping of the polling station

#### Section J 15

The polling station shall be equipped in such a way as to ensure secrecy of voting.

#### Section J 16

1. A table for the electoral committee, a ballot box and one or more polling booths shall be placed in the polling station.
2. The access to the polling booths must be visible to the public.
3. Each polling booth shall contain a set of instructions for the elector. A specimen of the instructions shall be established by Ministerial regulation.
4. The table for the electoral committee shall be placed in such a way that the electors can observe the activities of the electoral committee.

#### Section J 17

1. On the table in front of the electoral committee there shall be an extract from the municipal population records containing a numbered list of the electors who are qualified to vote in the electoral ward. What information this list is to contain shall be determined by Order in Council.
2. Each electoral committee shall have a copy of the statutory regulations governing the voting.

#### Section J 18

1. The ballot box, made in accordance with regulations laid down by Order in Council, shall be placed next to the table, within the reach of the member of the electoral committee charged with the duty referred to in section J 26, subsection 3.
2. The electoral committee shall close the ballot box in good time before the start of polling, after having convinced themselves that it is empty.



### Section J 19

Further rules governing the equipping of the polling station may be made by Order in Council.

### \* 5 Ballot papers

### Section J 20

1. On one side of the ballot paper used in the election is printed the lists of candidates taking part in the election, in the form in which they are brought to the attention of the electors, and on the other side is the signature of the chairman of the principal electoral committee.
2. A specimen of the ballot paper shall be established by Ministerial regulation.

### Section J 21

1. The burgomaster of the municipality where the principal electoral committee is based shall ensure that both the ballot papers and the report forms for all municipalities belonging to the election district are made ready in good time.
2. He shall send the requisite ballot papers and report forms to the burgomaster of each municipality belonging to the electoral ward in one or more sealed packets. The number of ballot papers or forms contained in each packet shall be stated on it.
3. The costs of producing and sending the ballot papers and the forms shall be divided proportionately among the municipalities.

### Section J 22

1. The burgomaster shall ensure that the requisite ballot papers and report forms are available at each polling station in his municipality before the start of polling.
2. The ballot papers shall be made available to the electoral committee in one or more sealed packets on each of which is stated the number of ballot papers it contains.

### Section J 23

The electoral committee shall open the packets containing ballot papers well before the start of polling and shall check the number of ballot papers.

### \* 6 Casting a vote

### Section J 24

1. A person may vote only if he is qualified to do so, and provided he is in possession of the voter registration card sent to him or issued to him pursuant to section J 8, or an elector's pass or a certificate of authorisation.

2. Before allowing a person to vote, the chairman of the electoral committee may require him to produce evidence of his identity.

#### Section J 25

1. The elector shall hand the voter registration card to the chairman of the electoral committee.

2. The chairman shall clearly state the number under which the elector appears in the extract from the municipal population records according to the voter registration card.

3. The second member of the electoral committee shall read out the name which is specified in the extract from the municipal population records next to the number stated by the chairman. The chairman shall check the name by reference to the voter registration card.

4. By placing his initials next to the name of the elector in the extract from the municipal population records the second member of the electoral committee shall make a note that the elector has attended.

5. The chairman shall then hand the elector a ballot paper.

6. The chairman shall keep a note of the number of ballot papers issued.

#### Section J 26

1. After receiving the ballot paper, the elector shall proceed to a polling booth and cast his vote there by colouring red a white spot in the voting box in front of the name of the candidate of his choice.

2. He shall then fold the ballot paper and take it to the electoral committee.

3. The third member of the electoral committee shall ensure that the elector puts the ballot paper into the ballot box.

#### Section J 27

1. If an elector makes a mistake when completing his ballot paper, he shall return it to the chairman. The latter shall then provide him once, at his request, with a new ballot paper.

2. The returned ballot papers shall be immediately rendered unusable by the chairman in a manner determined by Order in Council.

#### Section J 28

If the electoral committee observes that an elector requires help because of his physical condition, the committee is allowed to assist him.

#### Section J 29

If an elector refuses to put the ballot paper in the ballot box, the chairman shall make a note of this. If a ballot paper is returned, it shall be immediately rendered unusable by the

chairman in a manner determined by Order in Council.

#### Section J 30

As soon as the period specified for polling has expired, this shall be announced by the chairman and only the electors present at that moment in the polling station or at the entrance thereof shall be still allowed to vote.

#### Section J 31

Further rules governing polling procedure may be made by Order in Council.

#### \* 7 Voting other than by means of ballot papers

#### Section J 32

Voting other than by means of ballot papers shall be possible at polling stations designated for the purpose by the Election Council or, pursuant to its authorisation, by the burgomaster and aldermen. The provisions of this Act relating to the use of ballot papers shall then cease to have effect.

#### Section J 33

1. Voting other than by means of ballot papers shall take place only if a method approved by Our Minister for Home Affairs in accordance with rules made by Order in Council is used.
2. A method as referred to above shall be approved only if it at least meets the following requirements:
  - (a) the secret character of the voting must be guaranteed, even if the elector does not wish to make a choice;
  - (b) the equipment to be used should be of sound construction and should be capable of being operated by the elector in a simple manner and without the risk of defects or imperfect operation;
  - (c) the lists of candidates, the number assigned to each list and the appellation of the political grouping must be capable of being clearly specified;
  - (d) the elector must be able to cast his vote only once and must have the opportunity to rectify a mistake.
3. An approval may be made conditional.
4. Notice of the approval shall be given in the Netherlands Government Gazette.

#### Section J 34

1. Further rules governing voting other than by means of ballot papers shall be made by Order in Council. These rules shall be made as far as possible in accordance with the provisions of this Act relating to voting by means of ballot papers.
2. An amendment to the Order in Council referred to in subsection 1 shall not take effect until two months after the

date of publication of the issue of the Bulletin of Acts, Orders and Decrees in which it is placed. Immediate notice of the placement shall be given to the two Houses of the States-General.

\* 8 Order in the polling station

Section J 35

1. During the time that the electoral committee is sitting, the electors are entitled to be present in the polling station in so far as order is not disturbed as a result and the progress of the sitting is not hampered.
2. The electors present in the polling station may make objections if the polling does not occur in accordance with the law.
3. The objections shall be recorded in the report of the sitting of the electoral committee.

Section J 36

No activities shall be undertaken in the polling station which are intended to influence the electors in their choice.

Section J 37

The chairman shall be responsible for maintaining order during the sitting. He may request the burgomaster for assistance for this purpose.

Section J 38

1. If circumstances occur in or near the polling station which, in the opinion of the electoral committee, make the proper conduct of the sitting impossible, this shall be declared by the chairman. Thereupon the sitting is suspended. The chairman shall immediately notify the burgomaster of this. The burgomaster shall then decide when and where the sitting will be resumed.
2. Further rules on this shall be made by Order in Council.

CHAPTER K

Voting in a polling station of one's choice

Section K 1

In accordance with the provisions of this chapter the elector shall be permitted at his request to vote at a polling station of his choice within the area of the body for which the election is held.

Section K 2

The provisions of section K 1 shall not apply to an elector who has been allowed, at his request, to vote by proxy or

post.

### Section K 3

1. An elector who wishes to make use of the opportunity referred to in section K 1 shall make a written application in accordance with the provisions of section K 6 or an oral application in accordance with the provisions of section K 10 to this effect to the burgomaster of the municipality where he is registered as an elector on nomination day.
2. On nomination day the burgomaster shall publicly announce that an application as referred to in section K 6 must be made in writing no later than on the date referred to in section K 6, subsection 1, and orally no later than on the date referred to in section K 10, subsection 1.

### Section K 4

1. The elector shall be issued with a declaration, known as an elector's pass.
2. An elector who has been issued with an elector's pass may only take part in the election with this pass.
3. No new elector's pass shall be issued to an elector whose pass has been mislaid.

### Section K 5

Next to the name of an elector to whom an elector's pass has been issued shall be entered the note "pass" in the extract referred to in section J 17, subsection 1.

### Section K 6

1. A written application to the burgomaster as referred to in section K 3, subsection 1, may be made no later than on the fourteenth day before polling. If the elector has already received a voter registration card, he shall append it to the application.
2. For the application a form shall be used which can be obtained free of charge at the clerk's office of each municipality.
3. A specimen for the form shall be established by Ministerial regulation.

### Section K 7

An elector who has his actual place of residence outside the Netherlands shall, if he wishes to vote at a polling station of his choice, submit a written application to this effect to the burgomaster of The Hague together with the application for registration application referred to in section D 3. For the application use shall be made of a form that is included in the form referred to in section D 3, subsection 9.

### Section K 8

1. As soon as possible after receipt of the application a decision shall be taken by the burgomaster or by the official designated by him for this purpose.
2. The application shall be refused only if the applicant is not registered as an elector on nomination day, if he has been given permission to vote by proxy in accordance with paragraph 2 of chapter L, or if he has been authorised to vote by post.
3. If the application cannot be processed or must be refused, the reason for this shall be stated in the application, after which it will be immediately sent back to the applicant.
4. Section D 9 shall apply *mutatis mutandis* to a notice of appeal pursuant to the Administrative Jurisdiction (Government Orders) Act against a decision as referred to in this section.

#### Section K 9

The decision to grant the application shall be stated on the voter registration card of the applicant, using the appropriate form on this card.

#### Section K 10

1. An oral application as referred to in section K 3, subsection 1, may be made after receipt of the voter registration card, but no later than on the fifth day before polling, by the elector in person at the clerk's office of the municipality where he is registered as an elector on nomination day.
2. When making the application, the elector shall lodge the voter registration card sent to him pursuant to section J 7 or issued to him pursuant to section J 8.
3. A decision shall be taken immediately by the burgomaster or the official designated by him for this purpose on an application as referred to in subsection 1.
4. The application shall be refused only if the applicant is not registered as an elector on nomination day, if he has been given permission to vote by proxy in accordance with paragraph 2 of chapter L, or if he has been authorised to vote by post.
5. The decision to grant the application shall be stated on the voter registration card of the applicant, using the appropriate form on this card.

#### Section K 11

1. When voting the elector hands the elector's pass to the chairman of the electoral committee.
2. By initialling the elector's pass the second member of the electoral committee shall make a note that the elector has reported.

#### CHAPTER L

##### Voting by proxy

##### \* 1 General provisions

#### Section L 1

An elector who does not expect to be able to vote personally may vote by proxy in accordance with the provisions of this chapter.

#### Section L 2

1. An authorisation may be granted either in response to a written application in accordance with the provisions of paragraph 2 or by the handing over of the voter registration card in accordance with the provisions of paragraph 3 of this chapter.

2. A written application to vote by proxy may not be made by an elector who has been allowed to vote at a polling station of his choice or by post.

#### Section L 3

The proxy may cast a vote by virtue of the authorisation only at the same time as he casts his own vote.

#### Section L 4

An elector may not accept more than two appointments as proxy.

#### Section L 5

1. The person issuing an authorisation shall not be entitled to cancel it once it has been given or to vote in person after issuing it.

2. A vote cast by a person who has issued an authorisation contrary to the provisions of subsection 1 shall nevertheless be deemed to have been validly cast.

3. A written application to vote by proxy may be withdrawn as long as no decision has been taken on it.

#### Section L 6

1. A declaration known as a certificate of authorisation shall be issued to the proxy in confirmation of his powers.

2. No new certificate of authorisation shall be issued to a proxy whose certificate of authorisation has been mislaid.

\* 2 The written application to vote by proxy

#### Section L 7

The burgomaster shall publicly announce on nomination day that the electors have the opportunity to submit a notice of request as referred to in section L 8 until the fourteenth day before polling at the latest.

#### Section L 8

1. An elector who wishes to vote by proxy shall apply in

writing to the burgomaster of the municipality where he is registered as an elector on nomination day, no later than the fourteenth day before polling. For this notice of request use shall be made of a form which is available free of charge at the clerk's office of every municipality. To prevent misuse, the burgomaster may impose limitations on such availability. He shall publicly announce any decision to this effect.

2. In his notice of request the elector shall designate a proxy. Only a person who is registered on nomination day as an elector within the area covered by the election may act as a proxy.

3. A declaration by the proxy that he is prepared to act as such and, if the proxy is not registered as an elector in the same municipality as the person issuing the proxy, a declaration issued by the burgomaster and aldermen of the municipality where the proxy is registered as an elector that the proxy was registered on nomination day as an elector in their municipality and that the declaration of willingness to act by the proxy is in accordance with the provisions of section L 4 shall be submitted with the notice of request.

4. Specimens of the notice of request and the declaration shall be established by Ministerial regulation.

#### Section L 9

An elector who has his actual place of residence outside the Netherlands shall, if he wishes to vote by proxy, submit a written request for this purpose to the burgomaster of The Hague at the same time as the request for registration referred to in section D 3. For the notice of request use shall be made of a form that is included in the form referred to in section D 3, subsection 9.

#### Section L 10

The request shall be refused if:

- (a) it is found that the elector did not himself designate the proxy;
- (b) the elector who has made the request has already been allowed to vote at a polling station of his choice or by post;
- (c) the person who has been designated as proxy has accepted the designation contrary to the provisions of section L 4;
- (d) the person designated as proxy is not registered as an elector within the area covered by the election.

#### Section L 11

1. A decision shall be taken by the burgomaster, or the official designated by him for this purpose, as quickly as possible after receipt of the request but not before nomination day.

2. If the request is granted, a certificate of authorisation shall be drawn up. A specimen of this certificate shall be established by Ministerial regulation. Notice of the granting of the notice of request shall be given to the person issuing the authorisation.



3. If the request cannot be processed or must be refused, the decision and the reason for it shall be stated on the notice of request. The notice of request shall then be returned to the applicant, and the person who has indicated his willingness to act as proxy shall be notified of the decision.

4. Section D 9 shall apply *mutatis mutandis* to a notice of appeal pursuant to the Administrative Jurisdiction (Government Orders) Act against a decision as referred to in this section.

#### Section L 12

The burgomaster shall make a note of the names of the electors who have accepted a designation as proxy.

#### Section L 13

1. The burgomaster shall send the certificate of authorisation to the proxy.

2. In the extract referred to in section J 17, subsection 1, the word "proxy" shall be placed next to the name of the elector for whom a certificate of authorisation has been sent to a proxy.

\* 3 The granting of authorisation by the transfer of the voter registration card to another elector

#### Section L 14

1. The elector may authorise another elector who is registered in the same electoral ward as himself on nomination day to vote for him at the polling station of that electoral ward.

2. For this purpose he shall sign the form on the voter registration card and have the card countersigned by the proxy.

3. He shall then hand to the proxy the voter registration card that has thus been converted into a certificate of authorisation.

#### Section L 15

If it is found when the proxy attends that the person issuing the proxy has already voted, the proxy shall not be allowed to vote in that capacity and the certificate of authorisation shall be retained by the chairman of the electoral committee.

#### Section L 16

If, after a vote has been cast by a proxy, the person issuing an authorisation or another proxy attends at the polling station in order to vote, such person shall not be allowed to vote and the voter registration card or certificate of authorisation shall be retained by the chairman of the electoral committee.

## \* 4 Voting by the proxy

### Section L 17

1. The proxy shall hand the certificate of authorisation to the chairman of the electoral committee.
2. By initialling the certificate of authorisation the second member of the electoral committee shall make a note that the proxy has attended.
3. If a voter registration card that has been converted into a certificate of authorisation as referred to in section L 14 is submitted, the word "proxy" shall also be placed by the second member next to the name of the person issuing it in the extract referred to in section J 17, subsection 1.

## CHAPTER M

### Voting by post

#### Section M 1

In the election of the members of the Lower House, an elector who has his actual place of residence outside the Netherlands on nomination day or who will be outside the Netherlands on polling day on account of his profession or work or on account of the profession or work of his spouse, partner or parent, shall, at his request, be allowed to vote by post in accordance with the provisions of this chapter.

#### Section M 2

1. The declaration to be issued to the elector as proof that his request has been granted shall be called a postal vote certificate.
2. A postal vote certificate sent to the elector may not be replaced by a new one.
3. No voter registration card shall be issued to an elector to whom a postal vote certificate has been sent. He may take part in the voting only in the manner specified in section M 7.

#### Section M 3

1. An elector who has his actual place of residence outside the Netherlands shall, if he wishes to vote by post, submit a written request for this purpose to the burgomaster of The Hague at the same time as the request for registration referred to in section D 3. Other electors shall submit such a notice of request no later than on the twenty-eighth day before polling to the burgomaster of the municipality where they are registered as elector. In the notice of request the elector shall give an address outside the Netherlands where he wishes to receive the documents referred to in section M 6, subsection 1.
2. For the notice of request referred to in subsection 1,

first sentence, use shall be made of a form that is included in the form referred to in section D 3, subsection 9.

3. For the notice of request referred to in subsection 1, second sentence, use shall be made of a form that is available free of charge from the clerk's office of each municipality. A specimen of the form shall be established by Ministerial regulation.

#### Section M 4

1. A decision shall be taken by the burgomaster, or the official designated by him for this purpose, as quickly as possible after receipt of the request but not before nomination day.

2. The request shall be refused only if it is found that the applicant does not belong to the electors referred to in section M 1.

3. If the request cannot be processed or must be refused, the decision and the reason for it shall be stated on the notice of request, which shall then be immediately returned.

4. If the request is granted, the burgomaster or the official designated by him for this purpose shall note this on the notice of request. If it is a notice of request as referred to in section M 3, subsection 1, second sentence, and the request is from a person who is registered in a municipality in the Netherlands other than the municipality of The Hague, the burgomaster or the official designated by him for this purpose shall send the notice of request, when granted, as quickly as possible to the burgomaster of The Hague.

5. Section D 9 shall apply *mutatis mutandis* to a notice of appeal pursuant to the Administrative Jurisdiction (Government Orders) Act against a decision as referred to in this section.

#### Section M 5

In the extract referred to in section J 17, subsection 1, the word "post" shall be placed next to the name of an elector who has been allowed to vote by post.

#### Section M 6

1. The following shall be sent to the elector as quickly as possible by the burgomaster of The Hague in a manner determined by Order in Council:

- (a) a ballot paper;
- (b) a return envelope addressed to the burgomaster;
- (c) the postal vote certificate containing a declaration to be signed by the elector that he has personally completed the ballot paper;
- (d) a set of instructions for the elector.

2. Specimens of the documents referred to in subsection 1 (b), (c) and (d), shall be established by Ministerial regulation.

#### Section M 7

1. The elector shall cast his vote by colouring red a white circle in the voting box in front of the name of the candidate of his choice.
2. He shall then fold the ballot paper in such a way that the names of the candidates are not visible.
3. He shall sign a declaration on the postal vote certificate that he has completed the ballot paper personally.
4. He shall then put the ballot paper and the postal vote certificate in the accompanying return envelope and send it sealed to the burgomaster of The Hague or to the head of the consular post within whose area his place of residence or abode is located or to the head of the office of the Governor of the Netherlands Antilles or of Aruba, who will ensure that it is forwarded as quickly as possible to the burgomaster of The Hague.
5. The elector shall ensure that the return envelope is adequately stamped.

#### Section M 8

1. The documents referred to in section M 7, subsection 4, shall be in the possession of the burgomaster of The Hague at no later than 3 p.m. on polling day.
2. The burgomaster shall ensure that return envelopes which are received in time and are sufficiently stamped are handed over unopened before 7 p.m. to the chairmen of the electoral committees referred to in section M 9.
3. The day and, if it is polling day, the hour of arrival shall be noted by the burgomaster on return envelopes that arrive too late. These return envelopes and the return envelopes which are not sufficiently stamped shall be placed by the burgomaster unopened in one or more sealed packets. Likewise, ballot papers and postal vote certificates which have been returned other than in the appropriate return envelopes shall be placed by the burgomaster unopened in one or more sealed packets. The number of return envelopes or, as the case may be, the number of ballot papers and postal vote certificates contained in each packet shall be noted on it.
4. The burgomaster shall ensure that the sealed packets referred to in subsection 3 are destroyed, after the central electoral committee has determined the result of the election and a final decision has been taken on the admission of those elected. A report shall be made of the destruction.

#### Section M 9

1. The burgomaster and aldermen of The Hague shall designate electoral committees which are exclusively intended for votes cast by post. Section J 11 and section J 16, in so far as the latter relates to the polling booths, shall not apply to these polling stations.
2. The burgomaster and aldermen may provide that the sitting

of electoral committees will start at a later time than that referred to in section J 1, subsection 2.

3. The notices of request referred to in section M 4, subsection 4, shall be on the table of these electoral committees rather than the extract referred to in section J 17, subsection 1.

#### Section M 10

1. The chairman of the electoral committee shall open the return envelope and take out the postal vote certificate and ballot paper. He shall check whether the declaration that the elector has completed the ballot paper personally has been signed and whether the signature at the bottom of it corresponds to the signature at the bottom of the notice of request, as referred to in section M 4, subsection 4. He shall then hand the postal vote certificate to the second member of the electoral committee.

2. The second member of the electoral committee shall initial the notice of request to show that the elector has cast his vote.

3. The chairman shall then hand the folded ballot paper, without examining it, to the third member of the electoral committee.

4. The third member of the electoral committee shall check that the ballot paper bears the signature of the chairman of the principal electoral committee and shall place it still folded, without examining it, in the ballot box.

#### Section M 11

1. If the return envelope does not contain both a valid postal vote certificate and a ballot paper or if the declaration of the elector on the postal vote certificate that he has completed the ballot paper personally has not been signed, the chairman shall put the relevant papers back into the return envelope without examining the ballot paper and shall put the envelope to one side, after having sealed it.

2. If two or more ballot papers are sent in one return envelope, the chairman shall put all the ballot papers and postal vote certificates back into the return envelope without examining the ballot papers and shall put the envelope to one side, after having sealed it.

#### Section M 12

Further rules on voting by post may be made by Order in Council.

### CHAPTER N

#### Vote counting by the electoral committee

#### Section N 1

1. Immediately after the voting has ended, the electoral

committee shall determine:

- (a) the number of electors who have reported;
  - (b) the number of ballot papers issued;
  - (c) the number of electors who have refused to place the ballot paper in the ballot box;
  - (d) the number of ballot papers returned and rendered unusable;
  - (e) the number of unused ballot papers.
2. In the case of an electoral committee as referred to in section M 9, subsection 1, the electoral committee shall immediately determine:
- (a) the number of return envelopes received by the electoral committee;
  - (b) the number of ballot papers placed in the ballot box;
  - (c) the number of return envelopes put to one side pursuant to section M 11.
3. The numbers referred to in subsections 1 or 2 shall be announced to the electors present by the chairman.

## Section N 2

1. The number of initials on the extract referred to in section J 17, subsection 1, or on a declaration appended to it shall be stated and certified by the electoral committee on the extract or the declaration, as the case may be. These items shall be put in a packet, which will then be sealed.
2. Afterwards the electors' passes and certificates of authorisation, together with a certified declaration by the electoral committee concerning the number of initials, shall be put in a packet, which will also be sealed.
3. Finally, the following shall be packaged in the same way:
  - (a) the unused ballot papers;
  - (b) the ballot papers returned and rendered unusable;
  - (c) the voter registration cards handed in.
4. In the case of an electoral committee as referred to in section M 9, subsection 1, the notices of request referred to in section M 4, subsection 4, together with a certified declaration by the electoral committee concerning the number of initials, shall, after section N 1, subsection 3, has been applied, be put in a packet, which will then be sealed. Thereafter the return envelopes referred to in section M 11 and the postal vote certificates shall be packaged in the same way.

## Section N 3

Immediately after the packets have been sealed as referred to in section N 2, the ballot box shall be opened.

## Section N 4

The ballot papers shall be counted and their number compared with the number of electors who took part in the voting.

#### Section N 5

The members of the electoral committee shall open the ballot papers and sort them according to the lists. They may be assisted in this work by deputy members and by officials of the municipality designated for this purpose by the burgomaster and aldermen.

#### Section N 6

The electoral committee shall determine in respect of each list:

- (a) the number of votes cast for each candidate;
- (b) the sum of the numbers of votes referred to at (a).

#### Section N 7

- 1. Ballot papers other than those which may be used under or pursuant to this Act shall be invalid.
- 2. Also invalid are ballot papers on which the elector has not indicated unequivocally, by colouring the white circle in a voting box entirely or partly red, for which candidate he has cast his vote, and ballot papers to which additions have been made from which the elector can be identified.

#### Section N 8

- 1. The electoral committee shall decide on the validity of the ballot paper, taking into account section N 7.
- 2. The chairman shall immediately make known the reason for a declaration of invalidity and any doubts about validity and the decision taken on this.
- 3. If one of the electors present so requires, the ballot paper must be shown. The electors may make objections to the decision that has been taken.

#### Section N 9

- 1. Immediately after the votes have been counted, the chairman shall announce in respect of each list both the number of votes cast for each candidate and the total number of votes cast. Objections may be made by the electors present.
- 2. Thereafter the ballot papers declared invalid shall be put into a packet, which is then sealed. On this packet shall be stated:
  - (a) the name of the municipality and the number of the electoral ward;
  - (b) the number of ballot papers that the packet contains.
- 3. Subsequently, the valid ballot papers, arranged according to list, shall be put into one or more packets, which are then sealed.
- 4. On each packet as referred to in subsection 3 shall be stated:
  - (a) the name of the municipality and the number of the electoral ward;

(b) the number of ballot papers that the packet contains and, if the ballot papers are put into more than one packet, the numbers of the lists to which the enclosed ballot papers relate.

#### Section N 10

1. After all the work referred to in section N 9 has been completed, a report of the voting and of the vote counting shall immediately be prepared. All objections made shall be mentioned in the report.
2. The report shall be signed by all members of the electoral committee who are present.
3. A specimen of the report shall be established by Ministerial regulation.

#### Section N 11

1. The report, together with the sealed packets referred to in section N 2 and those referred to in section N 9 shall be taken by the chairman or another member of the electoral committee designated by him to the burgomaster or an official designated by him.
2. After the burgomaster has received a report from all the electoral committees situated in his municipality, he shall determine in respect of each candidate and each list how many votes have been cast in his municipality in respect of such candidate and such list.

#### Section N 12

1. The burgomaster shall ensure that the reports, together with a statement of the numbers of votes determined by him, are taken immediately to the chairman of the principal electoral committee.
2. The burgomaster shall ensure that the sealed packets are immediately taken to the chairman of the principal electoral committee, at the latter's request, and that the sealed packets not taken to the chairman are destroyed after the central electoral committee has determined the result of the election and a final decision has been taken on the admission of those elected. A report shall be made of the destruction.

#### Section N 13

1. Rules governing the counting of votes by electoral committees where votes are cast other than by means of ballot papers shall be made by Order in Council. These rules shall be made as far as possible in accordance with the provisions of this chapter.
2. An amendment to the Order in Council referred to in subsection 1 shall not take effect until two months after the date of publication of the issue of the Bulletin of Acts, Orders and Decrees in which it is placed. Immediate notice of the placement shall be given to the two Houses of the States-General.



## CHAPTER O

The function of the principal electoral committee in determining the election result

## Section O 1

1. The principal electoral committee shall hold a public sitting at 10 a.m. on the second day after polling.
2. The chairman shall be responsible for maintaining order during the sitting.

## Section O 2

1. The principal electoral committee shall determine in respect of each list the number of votes cast for each candidate and the sum of these numbers.
2. The chairman shall announce the results thus obtained.
3. The electors present may make objections.

## Section O 3

1. After all the work has ended, a report of it shall be immediately prepared. All objections made shall be mentioned in the report.
2. The report shall be signed by all members of the principal electoral committee who are present.
3. A specimen of the report shall be established by Ministerial regulation.
4. If the election is of a municipal council or the council of a province which forms a single election district, the report shall form part of the report referred to in section P 22.

## Section O 4

1. Unless it is the election of a municipal council or the council of a province which forms a single election district, the chairman shall arrange for a copy of the report referred to in section O 3 to be taken immediately to the central electoral committee and shall at the same time deposit the report at the clerk's office of the municipality where the principal electoral committee is situated for inspection by any person. The deposit for inspection shall end as soon as a final decision has been taken on the admission of the appointees.
2. The chairman shall arrange for the reports of the electoral committees, the statement referred to in section N 12, subsection 1, and, unless it is the election of a municipal council or the council of a province which forms a single election district, a copy of the report of the sitting of the principal electoral committee to be sent to the body for which the election has been held.

## Section O 5

1. The burgomaster of the municipality where the principal electoral committee is situated shall arrange for the safekeeping of the sealed packets. He shall destroy these packets after the central electoral committee has determined the election result and a final decision has been taken on the admission of the appointees.
2. The chairman of the body for which the election has been held may destroy the reports of the electoral committees and the statement referred to in section N 12, subsection 1, after the central electoral committee has determined the result of the election and a final decision has been taken on the admission of the persons elected.
3. A report of the destruction of packets as referred to in this section shall be prepared.

## Section O 6

Further rules governing the function of the principal electoral committee in determining the election result may be made by Order in Council.

## CHAPTER P

Determination of the election result by the central electoral committee

### \* 1 General provision

#### Section P 1

Immediately after the copies of the reports of all principal electoral committees have been received, the central electoral committee shall start the work of determining the result of the election. If it is the election of a municipal council or the council of a province which forms a single election district, the central committee shall do so immediately after the work referred to in sections O 1 and O 2 has been completed.

### \* 2 The allocation of seats

#### Section P 2

1. A set of identical lists as referred to in section H 11, subsection 1, shall be treated as a single list for the purpose of determining the result of the election.
2. The central electoral committee shall add up the total votes of these identical lists and the numbers of votes cast for each candidate.

#### Section P 3

A group of lists as referred to in section H 11, subsection 2,

shall, for the purpose of determining the number of seats to be allocated to it, be treated as a single list with a total vote equal to the sum of the total votes of the lists comprising the group.

#### Section P 4

1. A combined list as referred to in section I 10 shall, for the purpose of determining the number of seats to be allocated to it, be treated as a single list with a total vote equal to the sum of the total votes of the lists comprising the combination.

2. A combined list shall be taken into account only if at least two of the merged lists would have been allocated a seat if no combined list had been formed. Merged lists which would not have been awarded a seat individually shall not be deemed to form part of the combined list.

#### Section P 5

1. The central electoral committee shall divide the sum of the total votes of all the lists by the number of seats to be allocated.

2. The quotient thus obtained is known as the electoral quota.

#### Section P 6

A seat shall be awarded to a list as many times as the total vote of that list contains the electoral quota.

#### Section P 7

1. The remaining seats, which are known as residual seats, shall, if the number of seats to be allocated is nineteen or more, be awarded sequentially to the lists which after the award of the seat have the largest average number of votes per awarded seat. If averages are the same, the matter shall be decided by lot.

2. If the election is of the members of the Lower House, lists whose total vote is lower than the electoral quota shall not be eligible for seats awarded in this way.

#### Section P 8

1. The residual seats shall, if the number of seats to be allocated is fewer than nineteen, be awarded sequentially to the lists whose total votes have the largest remainder when divided by the electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with smallest remainder. If remainders are the same, the matter shall be decided by lot.

2. Lists with a total vote lower than 75% of the electoral quota shall not be eligible for seats awarded in this way.

3. If all lists which are eligible for this have received a residual seat and there are still seats to be allocated, these

seats shall be awarded in accordance with the system of the largest averages as referred to in section P 7, subsection 1, provided always that no more than one seat may be awarded in this way to any of the lists.

#### Section P 9

If a list which has obtained an absolute majority of the valid votes cast has been awarded a number of seats which is smaller than the absolute majority of the number of seats to be awarded, one additional seat shall be awarded to this list, thereby withholding one seat awarded to the list which obtained a seat for the smallest average or the smallest remainder. If two or more lists obtained a seat for the same smallest average or the same smallest remainder, the matter shall be decided by lot.

#### Section P 10

If as a result of the application of the previous provisions a list would be awarded more seats than it has candidates, the remaining seat or seats shall pass, by the continued application of such provisions, to one or more of the other lists containing candidates to whom no seat has been awarded.

#### Section P 11

1. The allocation of the seats awarded to a combined list among the lists which have been combined shall be effected as follows.
2. The central electoral committee shall divide the total vote of the combined list by the number of seats awarded to the combined list.
3. The quotient thus obtained is known as the combination electoral quota.
4. A seat awarded to the combination shall be awarded to each of the lists comprising the combination as many times as the total vote of the relevant list contains the combination electoral quota.
5. The residual seats shall be awarded sequentially to the lists of the combination whose total votes have the largest remainder when divided by the combination electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with smallest remainder. If remainders are the same, the matter shall be decided by lot.

#### Section P 12

1. The allocation of the seats awarded to a group of lists among the lists which comprise the group shall be effected as follows.
2. The central electoral committee shall divide the total vote of the group of lists by the number of seats awarded to the group.
3. The quotient thus obtained is known as the group electoral quota.

4. A seat awarded to the group shall be awarded to each of the lists comprising the group as many times as the total vote of the relevant list contains the group electoral quota.

5. The residual seats shall be awarded sequentially to the lists of the group whose total votes have the largest remainder when divided by the group electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with smallest remainder. If remainders are the same, the matter shall be decided by lot.

#### Section P 13

1. If the application of section P 11 or section P 12 would result in the award of more seats to a list than there are candidates, the remaining seat or seats shall pass, by the continued application of such provisions, to one of the other lists of the combination or group, as the case may be, containing candidates to whom no seat has been awarded.

2. If there are still seats to be awarded after application of subsection 1, they shall be awarded in accordance with the system of the largest averages as referred to in section P 7, subsection 1.

#### Section P 14

The drawing of lots referred to in the previous sections shall take place at the sitting of the central electoral committee referred to in section P 20.

\* 3 Award of seats to the candidates

#### Section P 15

Those candidates who have obtained on the joint lists on which they appear a number of votes which exceeds half of the electoral quota are elected in the order of the number of votes cast for them, in so far as sufficient seats have been awarded to the group of lists, a set of identical lists not forming part of a group and each separate list. If the numbers are the same, the matter shall if necessary be decided by lot.

#### Section P 16

1. If, in the case of a group of lists, a candidate elected in this way appears on more than one list or set of identical lists of the group of lists, he shall be awarded a seat which has been awarded to the list or set of identical lists on which he has obtained the largest number of votes, in so far as sufficient seats have been awarded to that list or set of lists.

2. If sufficient seats have not been awarded to any of the lists or sets of identical lists on which the elected candidate appears, he shall nonetheless be awarded a seat on the list or set of identical lists on which he has obtained the largest number of votes, thereby withholding the seat which was last awarded in accordance with sections P 12 or P

13 to one of the lists or sets of identical lists of the group.

#### Section P 17

The seats awarded to the lists which have not been awarded to a candidate after application of sections P 15 and P 16 shall be awarded to the as yet unelected candidates of the relevant lists in the order in which they appear on the list.

#### Section P 18

1. If, pursuant to section P 17, a candidate has been declared to be elected on more than one list, he shall be deemed to have been elected on the list on which the largest number of votes were cast for him. If the numbers are the same, he shall be deemed to have been elected on the list lodged in the election district with the lowest number.
2. On the other list or lists the central electoral committee shall declare that those elected are the candidates who, in accordance with chapter W, are deputies of candidates who have been elected more than once.

#### Section P 19

1. The central electoral committee shall arrange the candidates on each list in such an order that those at the top are the candidates to whom a seat on the list has been awarded, in the order in which they have been awarded these seats. Except in the case of the election of municipal councils with seven or eleven members, this need not be done in respect of lists for which no candidates have been declared elected and which do not form part of a combined list or group of lists to which one or more seats have been awarded.
2. Thereafter come, in the order of the votes cast for them, the candidates who appear on the list and who have obtained more than half the electoral quota of votes on the joint list on which they appear but who have not been declared elected in accordance with section P 15. If the numbers are the same, the order shall be decided by lot.
3. Finally, the other candidates appearing on the list shall be arranged in the order of the list.
4. Section P 18 shall not apply to the arrangement of the candidates in order.

#### \* 4 Publication of the election result

#### Section P 20

1. The chairman of the central electoral committee shall announce the result of the election as quickly as possible. The announcement shall be made at a public sitting of the central electoral committee.
2. The day and hour of the sitting shall be announced in good time by the chairman. The manner of the announcement shall be regulated by Order in Council.

3. The electors present may make objections.
4. The chairman shall be responsible for maintaining order during the sitting.

#### Section P 21

1. At the sitting referred to in section P 20, before the result of the election is announced, the central electoral committee may decide, either ex officio or in response to a reasoned request from one or more electors, to conduct a re-count of the ballot papers either from all the electoral wards or from one or more of them if there is a serious suspicion that such errors have been made by one or more electoral committees in counting the votes that they may affect the allocation of seats. The burgomaster who has the relevant ballot papers in his possession shall have them taken immediately to the central electoral committee at the request of the said committee.
2. After receipt of the ballot papers the central electoral committee shall immediately start the re-count. It shall be entitled to open the sealed packets and to compare the contents with the reports of the electoral committees.
3. Sections N 5, N 8 and N 9 shall apply *mutatis mutandis* to this re-count.

#### Section P 22

1. After all the work has been completed, a report of it shall immediately be prepared. The result of the election and all objections made shall be mentioned in the report.
2. The report shall be signed by all members of the central electoral committee who are present.
3. A specimen of the report shall be established by Ministerial regulation.

#### Section P 23

1. The chairman of the central electoral committee shall announce the result of the election of the members of the Lower House as quickly as possible by placing a copy of the report in the Netherlands Government Gazette.
2. The chairman of the central electoral committee shall announce the result of the election of the members of a provincial council or of a municipal council as quickly as possible by depositing a copy of the report at the provincial clerk's office or at the municipal clerk's office respectively, for inspection by any person. Public notice of the deposit for inspection shall at the same time be given by the King's Commissioner or the burgomaster, as the case may be. The deposit for inspection shall end as soon as a final decision has been taken on the admission of the persons elected.

## Section P 24

The chairman of the central electoral committee shall send a copy of the report to the body for the election has been held.

## PART III

Election of the members of the Upper House of the States-General

### CHAPTER Q

General provisions

#### Section Q 1

1. The members of the Upper House shall be elected by the members of the provincial councils.
2. The members of the provincial councils shall meet together in each province to cast their vote.

#### Section Q 2

1. The members of the Upper House are elected for a term of four years.
2. They shall retire simultaneously on the Tuesday in the period from 7 to 13 June in the year in which the members of the provincial councils are elected.
3. If the first meeting of the Upper House elected after a dissolution comes before the date on which the term of office of the dissolved House would have ended, the members of the newly elected House shall retire simultaneously on that date.

#### Section Q 3

A person appointed as a member of the Upper House to fill a vacancy shall cease to hold office at the time at which the person in whose place he is appointed would have had to retire.

#### Section Q 4

Nominations for the election of the members of the Upper House shall take place on the Tuesday in the period from 19 to 25 April.

#### Section Q 5

In the event of the dissolution of the Upper House, the nominations shall take place within forty days of the date of the royal decree of dissolution, on a day to be set in that decree.



## CHAPTER R

### Lodgment of the lists of candidates

#### Section R 1

1. From 9 a.m. to 5 p.m. on the nomination day, lists of candidates may be lodged with the King's Commissioner or a member of the provincial council designated by the council.
2. When and where the forms for the lists of candidates may be obtained, free of charge, by the members of the provincial council shall be regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

#### Section R 2

Each list of candidates shall be signed by at least one member of the provincial council. A member may not sign more than one list.

#### Section R 3

An agent and, if desired, his deputies may be designated on a list to merge the list with other lists to form a combined list. In addition, one or more persons shall be mentioned on the list who are qualified, in the absence of the person lodging it, to rectify any omissions as referred to section S 1, subsection 3.

#### Section R 4

1. The names of the candidates shall be placed on the lists in the order in which preference is given to them.
2. The names of no more than thirty candidates may be placed on the same list. In the case of a political grouping whose appellation was placed above a list of candidates to which more than fifteen seats were awarded at the last election of the members of the Upper House, the number of names that may be placed on the same list may not exceed twice the number of seats and may in any event never be more than eighty. The provisions of the previous sentence apply, *mutatis mutandis*, to the combining of the appellations of two or more groupings.

#### Section R 5

The name of a candidate may not appear on more than one of the lists lodged in the same province.

#### Section R 6

The way in which candidates are described on the list shall be regulated by Order in Council.

## Section R 7

1. The agent of a political grouping designated pursuant to section G 1, subsection 3 (d), may authorise the person lodging a list of candidates to place at the top of the list the appellation of the relevant political grouping as registered by the central electoral committee for the election of the members of the Lower House pursuant to section G 1. A declaration by the agent evidencing this authorisation shall be lodged with the list.

2. The person who lodges the list shall be qualified to place an appellation at the top of it formed by a combination of the appellations or abbreviations registered by the central electoral committee for the election of the members of the Lower House, if he is granted the power for this purpose by the agents of the various groupings. A declaration evidencing this power shall be lodged with the list. An appellation formed in this way may not contain more than 35 letters or other signs.

3. When and where the forms for the declarations relating to the placing of appellations of political groupings above lists of candidates may be obtained, free of charge, shall be regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

## Section R 8

1. A written declaration by each candidate appearing on the list that he consents to his nomination on this list shall be submitted with the list.

2. Once submitted, a declaration of consent may not be retracted.

3. When and where the forms for the declarations of consent may be obtained, free of charge, shall be regulated by Order in Council. A specimen of the form shall be established by Ministerial regulation.

4. If the candidate is outside the Netherlands, the declaration need not be made on a particular form and may also be made by telegram or telex.

## Section R 9

1. A candidate whose place of residence is situated outside the Netherlands shall, in the declaration of consent, also designate an agent resident in the Netherlands, stating his name, initials, place of residence and address. If the candidate appears on more than one list, the same agent must be designated in each declaration. This agent shall be entitled, with the exclusion of the candidate, to perform the acts referred to in sections V 2, subsections 1, 4 and 5, and V 3, subsections 1 and 3.

2. A candidate shall be entitled to cancel an authorisation given in accordance with subsection 1. He shall give notice of this in writing or by telegram or telex to the chairman of the

central electoral committee, if necessary designating a new agent.

#### Section R 10

1. Lists of candidates which are lodged in different provinces and on which the same candidates are placed in the same number and the same order shall together form a set of identical lists.
2. Lists of candidates above which the same appellation of a political grouping is placed together form a group of lists. The provisions of the previous sentence shall also apply to the combination of appellations of two or more groupings.

#### Section R 11

1. The King's Commissioner or a member of the provincial council designated by the council for this purpose shall supply the person lodging the list with a proof of receipt and shall immediately deposit the lists lodged with him at the provincial clerk's office for inspection by any person.
2. On the second day after nomination day the King's Commissioner shall place the lists in a packet, seal it and append a declaration to the outside of it that it contains the lodged lists of candidates. The number of lists shall be stated in the declaration, which is signed by him.
3. After it has been sealed, the packet shall be immediately taken to the chairman of the central electoral committee.

#### CHAPTER S

The examination, merger, numbering and publication of the lists of candidates

#### \* 1 The examination of the lists of candidates

##### Section S 1

1. There shall be a central electoral committee for the election of the members of the Upper House. The Election Council shall act as such.
2. The central electoral committee shall hold a sitting to examine the list of candidates.
3. If one or more of the following omissions are discovered during the examination, the central electoral committee shall immediately notify by registered letter or letter handed over in exchange for a dated receipt the person who lodged the list:
  - (a) that the list has not been signed by at least one member of the provincial council, disregarding the signature of a person who has signed more than one list;
  - (b) that a candidate has not been described in accordance with the provisions of section R 6;
  - (c) that, as regards a candidate, the declaration that he consents to his nomination on the list is missing;
  - (d) that a candidate whose place of residence is situated

outside the Netherlands has not designated an agent in his declaration of consent;

(e) that the declaration referred to in section R 7 is missing.

4. No later than on the third day after the sitting referred to in subsection 2 the person who has lodged the list may rectify the omission or omissions specified in the notification by attending at the Ministry of Home Affairs from 9 a.m. to 5 p.m.

5. If the person who has lodged the list is absent or unable to attend, the deputy specified on the list pursuant to section R 3, second sentence, shall take his place.

## Section S 2

1. No later than the tenth day after the nomination, the central electoral committee shall decide at a public sitting on the validity of the lists and on whether the candidates appearing on the list and the appellation of a political grouping placed above it can be allowed to stand.

2. The chairman of the central electoral committee shall announce the date and time of the sitting in advance in the Netherlands Government Gazette.

## Section S 3

A list shall be invalid:

(a) if it is not lodged between 9 a.m. and 5 p.m. on nomination day with the King's Commissioner or a member of the provincial council designated for this purpose;

(b) if it has not been signed in accordance with the provisions of section R 2;

(c) if it does not comply with the specimen established by Ministerial regulation;

(d) if all the candidates have been struck off it pursuant to section S 4.

## Section S 4

1. The central electoral committee shall strike from the list, in the order indicated in this subsection, the name of a candidate:

(a) who has not been described in accordance with the provisions of section R 6;

(b) for whom a declaration that he consents to his nomination has not been submitted;

(c) whose place of residence is situated outside the Netherlands, if the designation of an agent is missing;

(d) who appears on more than one of the lists lodged in the same province;

(e) in respect of whom an extract from the register of deaths or a copy of his death certificate has been submitted;

(f) who appears on the list after the maximum number of names permitted.

2. The central electoral committee shall strike from the list, in the order indicated in this subsection, the

appellation of a political grouping, if:

- (a) a declaration as referred to in section R 7 is missing in respect of it;
  - (b) the appellation has been placed above more than one of the lists lodged with the central electoral committee.
3. If the appellation of a political grouping does not correspond with that under which it has been registered, the central electoral committee shall alter it *ex officio* so that it does correspond.

#### Section S 5

1. Notwithstanding section 9 of the Administrative Jurisdiction (Government Orders) Act, a notice of appeal under this Act against a decision as referred to in section S 2 shall be filed no later than on the fourth day after the date on which the decision is given or is deemed to have been refused. Without prejudice to the provisions of section 7, subsection 1, of the Act, the appeal may be lodged by every elector.
2. Sections 11 and 12 of the Administrative Jurisdiction (Government Orders) Act, and sections 75 to 77 and section 105, subsection 2, last sentence, to section 119 of the Council of State Act shall not apply to the notice of appeal.
3. Section D 9, subsections 2 to 4, shall apply *mutatis mutandis*.
4. The Judicial Division of the Council of State shall give judgment no later than on the sixth day after the notice of appeal has been received.
5. If the judgment of the Judicial Division is that a decision as referred to in section S 2 should be wholly or partly quashed, the Division shall make a provision in the case.
6. The president of the Judicial Division shall immediately notify the person who has lodged the appeal and the chairman of the central electoral committee of the judgment of the Division and, if subsection 5 applies, of the provision made.

#### Section S 6

1. If an appeal has been instituted against a decision in which the central electoral committee has declared a list invalid or has struck off the name of a candidate or the appellation of a political grouping on the ground of one or more of the omissions referred to in section S 1, subsection 3, without having first informed the person who has lodged the list of the existence of such omissions in accordance with the provisions of that section, the latter may rectify the omission or omissions at the secretariat of the Council of State. Section S 1, subsection 5, shall apply *mutatis mutandis*.
2. If an omission has been rectified in accordance with subsection 1, the Judicial Division of the Council of State shall take this into account in its judgment.

## Section S 7

1. A report shall be drawn up of the sittings referred to in sections S 1 and S 2.
2. The persons present at the sittings referred to in section S 2 may make objections. Mention of these objections shall be made in the report.
3. Specimens of these reports shall be established by Ministerial regulation.

\* 2 The merger of lists of candidates to form a combined list

## Section S 8

1. Between 9 a.m. and 5 p.m. on the third day after nomination day, lists of candidates of different political groupings may be merged to form a combined list by the lodgment with the central electoral committee of a joint declaration in writing to this effect by the agents specified on the lists.
2. Such a merger may be made only:
  - (a) between political groupings whose appellation for the election of the members of the Lower House has been registered pursuant to section G 1;
  - (b) if the combination relates to all lists lodged in the various provinces on account of a grouping, and
  - (c) if the combination occurs in all provinces with the same grouping or groupings.
3. The provisions of subsection 2, opening words and (a), shall also apply to the combining of appellations of two or more groupings, if the appellation formed in this way appears on all the lists filed on behalf of these groupings.
4. A specimen of the declaration referred to in subsection 1 shall be established by Ministerial regulation.

## Section S 9

The central electoral committee shall decide on the validity of the combined lists at the sitting referred to in section S 2.

\* 3 The numbering of the lists of candidates

## Section S 10

The central electoral committee shall number the lists of candidates at the sitting referred to in section S 2.

## Section S 11

For the purpose of the numbering the groups of lists and the sets of identical lists not forming part of a group shall be treated as a single list.

## Section S 12

1. The first lists to be numbered shall be those of political groupings whose appellation was placed above a list of candidates to which one or more seats were awarded at the last election of the members of the Upper House. These lists shall be numbered from 1 onwards in the order of the total votes cast for the relevant lists at that election, provided always that the number 1 is given to the list of the grouping with the largest number of votes. In the event of a tied vote, the matter shall be determined by lot. The provisions of the previous sentences shall apply, *mutatis mutandis*, to the combining of appellations of two or more groupings.
2. Subsequently, the other groups of lists shall be numbered with the numbers following the last number given pursuant to subsection 1, and sets of identical lists of which a list has been lodged in all provinces shall be designated in the order indicated by lot.
3. If two or more lists of candidates of the same grouping are lodged in a single province, these lists shall be given not only a number but also a letter.
4. If lists must still be numbered after application of subsection 2, the numbering shall be carried out in accordance with the provisions of section 1 14, subsections 3 and 4.

## Section S 13

After a final decision has been taken on the validity of the lodged lists, the chairman of the central electoral committee shall publish the lists no later than on the seventh day before the voting by placing the lists, arranged by province, in the Netherlands Government Gazette, stating their numbers and any letters and, where appropriate, the appellations of the political groupings. In doing so, he shall also state which lists have been merged to form a combined list.

## Section S 14

A decision to declare a list of candidates invalid shall not affect the numbers given to the other lists of candidates.

## CHAPTER T

### The voting and vote counting

#### Section T 1

The voting shall take place on the thirty-fourth day after the nominations.

#### Section T 2

1. On one side of the ballot paper used in the election is printed the lists of candidates taking part in the election, and on the other side is the signature of the chairman of the

provincial council.

2. A specimen of the ballot paper shall be established by Ministerial regulation.

3. The chairman shall ensure that the requisite number of ballot papers are available at the meeting before the start of the voting.

#### Section T 3

The chairman shall appoint three members from those present at the meeting of the provincial council, who will form with him the electoral committee.

#### Section T 4

1. A member of the provincial council shall vote by colouring red a white spot in the voting box in front of the name of the candidate of his choice.

2. A member of the provincial council shall be authorised to vote by proxy at his request. A member wishing to exercise this right shall do so by notifying the chairman in writing before the start of the sitting of the provincial council at which the voting will be held, designating a member of the provincial council who is prepared to act as proxy. A member of the provincial council may not accept more than one appointment as proxy. A specimen of this notification shall be established by Ministerial regulation.

#### Section T 5

After casting his vote a member of the provincial council shall hand his folded ballot paper to the chairman.

#### Section T 6

1. The chairman shall announce how many ballot papers have been lodged.

2. The voting shall be null and void if this number is larger than the number of members present at the meeting, plus the number of members present who may take part in the voting as proxy.

3. In this case the chairman shall destroy the lodged ballot papers and a fresh vote shall be held.

#### Section T 7

1. The chairman shall open the ballot papers.

2. He shall then state for which list and for which candidate each ballot paper applies.

3. After one of the members of the electoral committee has checked the ballot paper, the two other members shall keep a note of each vote cast.

#### Section T 8

1. Ballot papers other than those which may be used under or



pursuant to this Act shall be invalid.

2. Also invalid are ballot papers on which the member of the provincial council has not indicated unequivocally, by colouring the white circle in a voting box entirely or partly red, for which candidate he has cast his vote and ballot papers to which additions have been made from which the member of the provincial council can be identified.

#### Section T 9

In the case of doubt about the validity of a ballot paper the meeting shall decide. In the event of a tied vote, the chairman shall decide.

#### Section T 10

1. Immediately after the votes have been counted, the chairman shall announce in respect of each list both the number of votes cast for each candidate and the total number of votes cast.

2. Thereafter the ballot papers declared invalid shall be put into a packet, which will then be sealed. On this packet shall be stated:

(a) the name of the province;

(b) the number of ballot papers that the packet contains.

3. Subsequently, the valid ballot papers, arranged according to list, shall be put into one or more packets, which will then be sealed. On each packet shall be stated:

(a) the name of the province;

(b) the number of ballot papers that the packet contains.

#### Section T 11

1. After all the work referred to in section T 10 has been completed, a report of the voting and of the vote counting shall immediately be prepared.

2. The report shall be signed by the chairman and all members of the electoral committee.

3. The report, together with the sealed packets referred to in section T 10, shall be taken immediately after the end of the voting to the chairman of the central electoral committee.

4. A specimen of the report shall be established by Ministerial regulation.

### CHAPTER U

Determination of the election result by the central electoral committee

#### \* 1 General provisions

##### Section U 1

Immediately after the reports have been received, the central electoral committee shall start the work of determining the result of the election.

## Section U 2

1. Each vote shall count, according to the province where it has been cast, for a number of votes which is equal to the figure that is obtained by dividing the population of the province by a hundred times the number of members comprising the provincial council. The quotient is then rounded to a whole number, upwards if the fraction is  $\frac{1}{2}$  or more and downwards if the fraction is less than  $\frac{1}{2}$ . This figure is known as the vote value.
2. The population of a province shall be taken to be the population according to the statistics published by the Central Bureau of Statistics for 1 January of the year in which the election takes place.
3. If, in the case of the dissolution of the Upper House, the population statistics for 1 January of the year in which the election takes place are not yet known, the vote value shall be determined by reference to the population statistics for 1 January of the previous year.

## \* 2 The allocation of seats

## Section U 3

As regards each province the central electoral committee shall multiply the numbers of votes cast for each candidate and the total votes cast for the lists by the vote value for that province. In order to determine the result of the election, the products thus obtained serve as the numbers of votes cast for each candidate or the total votes cast for the lists, as the case may be.

## Section U 4

1. A set of identical lists as referred to in section R 10, subsection 1, shall be treated as a single list for the purpose of determining the result of the election.
2. The central electoral committee shall add up the total votes of these identical lists and the numbers of votes cast for each candidate.

## Section U 5

A group of lists as referred to in section R 10, subsection 2, shall, for the purpose of determining the number of seats to be allocated to it, be treated as a single list with a total vote equal to the sum of the total votes of the lists comprising the group.

## Section U 6

1. A combined list as referred to in section S 8 shall, for the purpose of determining the number of seats to be allocated to it, be treated as a single list with a total vote equal to the sum of the total votes of the lists comprising the

combination.

2. A combined list shall be taken into account only if at least two of the merged lists would have been allocated a seat if no combined list had been formed. Merged lists which would not have been awarded a seat individually shall not be deemed to form part of the combined list.

#### Section U 7

1. The central electoral committee shall divide the sum of the total votes of all the lists by the number of seats to be allocated.

2. The quotient thus obtained is known as the electoral quota.

#### Section U 8

A seat shall be awarded to a list as many times as the total vote of that list contains the electoral quota.

#### Section U 9

The remaining seats, which are known as residual seats, shall be awarded sequentially to the lists which, after the award of the seat, have the largest average number of votes per awarded seat. If the averages are the same, the matter shall be decided by lot.

#### Section U 10

If as a result of the application of the previous provisions a list would be awarded more seats than it has candidates, the remaining seat or seats shall pass, by the continued application of such provisions, to one or more of the other lists containing candidates to whom no seat has been awarded.

#### Section U 11

1. The allocation of the seats awarded to a combined list among the lists which have been combined shall be effected as follows.

2. The central electoral committee shall divide the total vote of the combined list by the number of seats awarded to the combined list.

3. The quotient thus obtained is known as the combination electoral quota.

4. A seat awarded to the combination shall be awarded to each of the lists comprising the combination as many times as the total vote of the relevant list contains the combination electoral quota.

5. The residual seats shall be awarded sequentially to the lists of the combination whose total votes have the largest remainder when divided by the combination electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with smallest remainder. If remainders are the same, the matter shall be decided by lot.

## Section U 12

1. The allocation of the seats awarded to a group of lists among the lists which comprise the group shall be effected as follows.
2. The central electoral committee shall divide the total vote of the group of lists by the number of seats awarded to the group.
3. The quotient thus obtained is known as the group electoral quota.
4. A seat awarded to the group shall be awarded to each of the lists comprising the group as many times as the total vote of the relevant list contains the group electoral quota.
5. The residual seats shall be awarded sequentially to the lists of the group whose total votes have the largest remainder when divided by the group electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with smallest remainder. If remainders are the same, the matter shall be decided by lot.

## Section U 13

1. If the application of section U 11 or section U 12 would result in the award of more seats to a list than there are candidates, the remaining seat or seats shall pass, by the continued application of such provisions, to one of the other lists of the combination or group, as the case may be, containing candidates to whom no seat has been awarded.
2. If there are still seats to be awarded after application of subsection 1, they shall be awarded in accordance with the system of the largest averages as referred to in section U 9.

## Section U 14

The drawing of lots referred to in the previous sections shall take place at the sitting of the central electoral committee referred to in section U 16.

### \* 3 Award of seats to the candidates

## Section U 15

1. The elected candidates are those of the list designated for this purpose by the analogous application of sections P 15 to P 18.
2. The order in which the candidates are placed shall be determined in accordance with the provisions of section P 19.

### \* 4 Publication of the election result

## Section U 16

1. The chairman of the central electoral committee shall announce the result of the election as quickly as possible. The announcement shall be made at a public sitting of the

central electoral committee. Section P 20, subsections 2 to 4, and section P 22 shall apply.

2. The chairman of the central electoral committee shall announce the result of the election as quickly as possible by placing a copy of the report in the Netherlands Government Gazette.

3. The chairman of the central electoral committee shall send a copy of the report to the Upper House.

#### Section U 17

The central electoral committee may decide, either ex officio or in response to a reasoned request from one or more members of the provincial council, to conduct a re-count of the ballot papers from one or more provinces.

#### Section U 18

1. As soon as the result of the election has been determined, the opened packets shall resealed, after all the ballot papers have been put back into them.

2. The report referred to in section U 16 and the sealed packets shall be kept by the central electoral committee. Once a decision has been taken on the admission of those elected the sealed packets shall be destroyed. A report shall be made of the destruction.

### PART IV

The start of and changes in membership of the representative body

#### CHAPTER V

The start of membership

##### \* 1 General provisions

#### Section V 1

1. The chairman of the central electoral committee shall notify the appointee in writing of his appointment. The letter containing this notice shall be sent by registered letter or handed over in exchange for a dated receipt no later than on the third day after the determination of the result of the election or after the declaration of appointment.

2. If the appointee has designated an agent, the letter shall be sent or handed to the agent.

3. The chairman shall at the same time give written notice of the appointment to the representative body. This notice shall serve as the credentials of the appointee.

#### Section V 2

1. The appointee shall ensure that the representative body

receives a communication from him or the agent, as the case may be, by letter or telegram no later than the tenth or, in the case of an appointment to a casual vacancy, the twenty-eighth day after the date of the notice of appointment, in which he accepts the appointment.

2. If such a communication has not been received in this period, he shall be deemed not to have accepted the appointment.

3. The presiding officer of the representative body shall inform the chairman of the central electoral committee that the appointee has accepted the appointment or that he is deemed not to have accepted it.

4. If the appointee does not accept the appointment, he or his agent shall inform the chairman of the central electoral committee accordingly by letter or telegram within the period referred to in subsection 1. The chairman shall notify the representative body.

5. Until such time as a decision - or a final decision - has been taken on the admission of the appointee, the latter or his agent may inform the representative body by letter or telegram that he has reconsidered his acceptance of the appointment. He shall then be deemed not to have accepted the appointment. The presiding officer of the representative body shall give immediate notice of the receipt of this communication to the chairman of the central electoral committee.

### Section V 3

1. When stating that he accepts his appointment the appointee or his agent shall at the same time file with the representative body a declaration signed by him and disclosing all public offices held by the appointee.

2. Unless the appointee was already a member of the representative body at the time of his appointment, he shall also file an extract from a municipal register of persons showing his place of residence, place and date of birth, and, in the case of an appointment to the Lower or Upper House or a provincial council, his Netherlands nationality.

3. The agent of an appointee who has his place of residence outside the Netherlands shall file, instead of the extract referred to subsection 2, an extract from the register of births showing the place and date of birth of the appointee and proof that the appointee has Netherlands nationality.

4. If a person appointed as a member of a municipal council does not have Netherlands nationality, the burgomaster shall file documents with the municipal council showing whether the person concerned complies with the requirements referred to in section 21, subsection 2, of the Municipalities Act (Bulletin of Acts, Orders and Decrees 1931, 89).

### Section V 4

1. The representative body for which the election has been held shall examine the credentials and decide whether the appointee may be admitted as a member of the body. In doing

so, it ascertains whether the appointee meets the requirements for membership and does not hold a position which is incompatible with the membership, and decides any disputes which arise in connection with the credentials or the election itself. If the appointee will have reached the requisite age for membership before the first gathering of the newly elected body, account will be taken of this in reaching the decision. The way in which the credentials of the members of the Lower or Upper House, as the case may be, are examined shall be regulated in the rules of procedure of the relevant House.

2. The examination of the credentials shall not extend to the validity of the lists of candidates and of the combinations of lists.

3. In the case of the admission of a person appointed to fill a casual vacancy, the examination shall not extend to points involving the conduct of the election or the determination of the result.

4. For the purpose of the examination referred to in subsection 1 the representative body may decide to have a re-count of the ballot papers either from all or from one or more of the electoral wards. The burgomaster who has the relevant ballot papers in his possession or the chairman of the central electoral committee for the election of the members of the Upper House, as the case may be, shall have them taken immediately to the representative body at its request. After receipt of the ballot papers, the representative body shall immediately start the re-count. It shall be entitled to open the sealed packets and to compare the contents with the reports of the electoral committees. Sections N 5, N 8 and N 9 shall apply *mutatis mutandis* to this re-count.

#### Section V 5

The validity of the voting in one or more electoral wards or provinces or an incorrectness in the determination of the result of the election shall not prevent the admission of the members on whose election the invalidity or incorrectness cannot have had any effect and, in the event of the invalidity of the voting, the new voting cannot have any effect.

#### Section V 6

1. If the body for which the appointment has been made decides not to admit one or more persons owing to the invalidity of the voting in one or more electoral wards or provinces, the chairman shall immediately give notice of this to Our Minister for Home Affairs in the case of an election of the members of the Lower or Upper House, to the provincial council in the case of an election of the members of the council of a province, and to the burgomaster and aldermen in the case of an election of the members of a municipal council.

2. No later than the thirtieth day after this notice has been received a fresh vote shall be held in the electoral wards or provinces referred to in subsection 1, and the result of the election shall be determined anew. The date of the voting shall be determined by Our Minister for Home Affairs in the

case of an election of the members of the Lower or Upper House, by the provincial council in the case of an election of the members of the council of a province, and by the burgomaster and aldermen in the case of an election of the members of the municipal council.

3. Notwithstanding this determination, a person who has already been admitted as a member shall remain elected, even if it later transpires that this occurred wrongly. The candidate who would have been elected if the person admitted had not been declared elected shall then drop out.

#### Section V 7

1. The persons qualified to vote in the election referred to in section V 6 shall be those whose names appear in the extracts referred to in section J 17, subsection 1, with the exception of those by whose name the word "pass", "proxy" or "post" is placed. Also qualified to vote for this purpose are the electors whose names appear on the electors' passes, certificates of authorisation and postal vote certificates that have been lodged, in so far as the said documents were used in the voting declared invalid. In the case of an electoral committee as referred to in section M 9, those qualified to vote are the electors whose names appear on the notices of request referred to in section M 4, subsection 4.

2. If, after the voting is declared to have been invalid, it is found that names are wrongly missing from the extracts referred to in section J 17, subsection 1, or wrongly appear in such extracts, the persons concerned shall be qualified or not qualified, as the case may be, to take part in the voting referred to section V 6. The extracts shall be amended for this purpose.

3. An authorisation to vote by proxy granted for the election declared invalid shall not apply to the fresh vote referred to in subsection 1.

#### Section V 8

If the body for which the appointment has been made decides not to admit as a member one or more of the appointed persons on account of the incorrectness of the determination of the election result, the chairman shall immediately give notice hereof to the central electoral committee.

#### Section V 9

1. No later than on the fourteenth day after the notice referred to in section V 8 has been received, the central electoral committee shall hold a public sitting and shall, in so far as necessary, determine anew the result of the election in accordance with the decision referred to in section V 8.

2. Sections P 20 and P 22 to P 24 shall apply *mutatis mutandis*.

3. The examination of the credentials of the newly elected person shall not extend to points involving the conduct of the



election.

#### Section V 10

If the body for which the appointment has been made has decided not to admit the appointee as a member because he does not comply with the requirements for membership or holds a position which is incompatible with membership, the chairman of such body shall immediately give notice hereof to the chairman of the central electoral committee.

#### Section V 11

The membership of a person appointed as a member of a representative body shall start as soon as his admission has become final.

\* 2 Special provisions governing the start of membership of a provincial council or a municipal council

#### Section V 12

The decision on the admission of persons elected to be members of a provincial council or a municipal council shall be taken no later than on the twenty-seventh day after the voting or, if this is not possible, as quickly as possible thereafter. In the case of the admission of persons appointed to fill casual vacancies, the decision shall be taken immediately.

#### Section V 13

1. Written notice of every decision relating to the admission of a person appointed to be a member of a provincial council or a municipal council as the case may be shall be given by the provincial council or the burgomaster and aldermen respectively to the appointee.
2. A person who has not been admitted shall be notified of the decision and of the reasons for it.
3. Subsection 1 shall apply *mutatis mutandis* if no decision is taken by the provincial council or the municipal council because of repeated tied votes or a tied vote at a plenary meeting on a resolution concerning admission.

#### Section V 14

1. Notwithstanding the provisions of section 9 of the Administrative Jurisdiction (Government Orders) Act, a notice of appeal under this Act against a decision as referred to in section V 13, subsection 1, shall be filed no later than on the sixth day after it is given or deemed to have been refused. Section D 9 shall apply *mutatis mutandis*.
2. In the case of the admission of persons elected as members of the provincial council, the Judicial Division of the Council of State shall give judgment no later than on the twelfth day after the notice of appeal has been received and section 106, subsection 2, last sentence, and section 106 of

the Council of State Act shall not apply.

#### Section V 15

1. If, by the time the members of a provincial council or a municipal council have to retire periodically in rotation approval of the credentials of over half of the number of members required by law has not become final, the members of the provincial council or the municipal council, as the case may be, shall continue in office until this happened. During this period the members elected in the election shall not carry out their duties.
2. A place which falls vacant after the periodical retirement shall be filled in the same way as if it had fallen vacant previously.

#### Section V 16

The provisions of sections V 6, V 8 and V 10 shall not apply until the decision of the provincial council or the municipal council has become final.

### CHAPTER W

#### Replacement

#### Section W 1

1. When a vacancy must be filled other than pursuant to the determination of the result of an election, the chairman of the central electoral committee shall declare in a reasoned decision, no later than on the fourteenth day after the vacancy has come to his attention, the appointment of the eligible candidate who is placed highest in the order referred to in section P 19 on the list containing the person who must be replaced. If the member whose place must be filled ceased to hold office with effect from a particular date, the period referred to in the first sentence shall start at that time.
2. If a place falls vacant which was filled by application of section P 16, subsection 2, the chairman of the central electoral committee shall declare, notwithstanding subsection 1, the appointment of the eligible candidate on the list from which a seat was withheld pursuant to section P 16, subsection 2.
3. If the list referred to in subsection 1 forms part of a group of lists and candidates who appear on one or more lists or sets of identical lists of that group have obtained, on the joint lists on which they appear, a number of votes which is in excess of half of the electoral quota but who have not been elected pursuant to section P 15, the chairman of the central electoral committee shall declare, notwithstanding subsection 1, the appointment of whichever of these candidates obtained the largest number of votes.
4. If a vacancy occurs in respect of place which had been filled pursuant to subsection 3, and this subsection must not be applied anew, the chairman of the central electoral

committee shall declare the appointment of the eligible candidate on the list from which a seat was withheld pursuant to subsection 3.

5. A specimen shall be established by Ministerial regulation of the decision of the chairman of the central electoral committee for the appointment of a member of a representative body made necessary by:

- (a) the non-acceptance of an appointment by a candidate;
- (b) the non-admission of a candidate as a member on the ground that he does not comply with the requirements for membership, or
- (c) the occurrence of a vacancy in that body.

## Section W 2

1. For the purposes of section W 1, no account shall be taken of a candidate:

- (a) who has died;
- (b) whose vacancy is being filled;
- (c) who has been declared appointed to the vacancy but who has declared in writing that he does not accept the appointment or is deemed not to have accepted it, who has not filed the documents referred to in section V 3 in good time or who has not been admitted to the representative body by virtue of a final decision;
- (d) who is a member of the representative body or has been declared appointed as such if no final decision has yet been taken on his admission as a member;
- (e) from whom the chairman of the central electoral committee has received a written declaration that he does not wish to be considered for the appointment;
- (f) who, in the case of the election of a municipal council, cannot be appointed owing to the provisions of section 25a of the Municipalities Act.

2. A declaration as referred to in subsection 1 (e) may be retracted.

3. A specimen of the declaration referred to in subsection 1 (e) shall be established by Ministerial regulation.

## Section W 3

1. If, as a result of the application of the provisions of this chapter, there is no longer any candidate eligible for appointment on the list on which the person who must be replaced was elected and this list forms a group of lists or a combined list with one or more other lists, the seat shall pass to one of the other lists pursuant to section P 13 or section U 13. The candidate of this list who is eligible for appointment according to the order determined in accordance with section P 19 shall be declared appointed. If there is no longer any candidate eligible for appointment on this list, the place shall be awarded to another list forming part of the group or combination, as the case may be, by the further application of the provisions of this paragraph, and so forth.

2. For the purposes of subsection 1, the first lists eligible are those which, together with the relevant list, form a group

of lists and thereafter the lists which have been merged with it to form a combined list.

#### Section W 4

1. If, in the case of replacement of members of a municipal council with seven or eleven members, there is no longer any candidate eligible for appointment on the list on which the person who must be replaced was elected or on the lists which form with it a group of lists or a combined list, a decision on which of the other lists will be awarded the place shall be taken pursuant to section P 10. The candidate of the list to which the place is awarded and who is eligible for appointment according to the order determined in accordance with section P 19 shall be declared appointed.

2. If, as a result of the application of the provisions of this chapter, there is no longer a candidate eligible for appointment on any of the lists, the central electoral committee shall decide that no successor can be appointed. A specimen of the decision shall be established by Ministerial regulation.

#### Section W 5

1. If the application of section W 3 or section W 4 results in a decision being taken by lot, this shall take place at a sitting of the central electoral committee.

2. Sections P 20 and P 22 shall apply by analogy to the sitting referred to in subsection 1.

#### Section W 6

If it comes to the attention of the chairman of a central electoral committee on the same day that more than one vacancy has occurred in a representative body and as a result of this a candidate on more than one list must be declared appointed, the latter shall be appointed in accordance with section P 18.

#### Section W 7

1. Each appointment made pursuant to the provisions of this chapter shall be immediately announced in the Netherlands Government Gazette or, in the case of the appointment of a member of a provincial or municipal council, in the manner customary in the province or municipality.

2. The chairman of the central electoral committee shall send a copy of the appointment decision to the representative body.

#### Section W 8

Further rules may be laid down by Order in Council regarding the filling of vacancies in representative bodies.

## CHAPTER X

### The end of membership

#### \* 1 General provisions

##### Section X 1

1. As soon as it has been finally determined that a member of a representative body does not possess one of the requirements for membership or that holds a position which is incompatible with membership, he shall cease to be a member.
2. The presiding officer of the representative body shall immediately notify the chairman of the central electoral committee hereof.
3. Similar notice shall be given if a vacancy has occurred in the representative body owing to the death of a member.

##### Section X 2

1. A member of a representative body whose admission has been finally decided may retire at any time. It is not possible to retire with retroactive effect.
2. He shall inform the presiding officer of the representative body of this in writing. The latter shall immediately notify the chairman of the central electoral committee.
3. Once resignation has been tendered, it cannot be retracted.

#### \* 2 Special provisions

##### Section X 3

1. If a member of the Lower or Upper House finds himself in one of the situations referred to subsection 1 of section X 1, he shall notify the House of this, stating the reason.
2. If no notice is given and the presiding officer of the House considers that a member of the House is in one of the situations referred to in subsection 1 of section X 1, he shall warn the person concerned in writing.
3. The person concerned may then refer the matter to the judgement of the House not later than the eighth day after the date of the warning referred to in subsection 2.

##### Section X 4

1. If a member of the provincial council finds himself in one of the situations referred to subsection 1 of section X 1, he shall notify the council of this, stating the reason.
2. If no notice is given and the provincial executive considers that a member of the provincial council is in one of the situations referred to in subsection 1 of section X 1, it shall warn the person concerned in writing.
3. The person concerned may then refer the matter to the

judgement of the provincial council not later than the eighth day after the date of the warning referred to in subsection 2.

#### Section X 5

1. If a member of the municipal council finds himself in one of the situations referred to subsection 1 of section X 1, he shall notify the council of this, stating the reason.
2. If no notice is given and the burgomaster and aldermen consider that a member of the municipal council is in one of the situations referred to in subsection 1 of section X 1, they shall warn the person concerned in writing.
3. The person concerned may then refer the matter to the judgement of the municipal council not later than the eighth day after the date of the warning referred to in subsection 2.

#### Section X 6

Members of a provincial or municipal council who have tendered their resignation shall retain their membership, even if they have resigned with effect from a particular date, until the credentials of their successors have been finally approved or until the central electoral committee has decided that no successor can be appointed.

#### Section X 7

1. A member of the provincial executive who acts in breach of section 12 of the Provinces Act (Bulletin of Acts, Orders and Decrees 1962, 17), may be suspended from his position by the provincial executive. The executive shall refer the matter to the provincial council for consideration at its next meeting.
2. After giving the suspended person the opportunity to defend himself orally, the provincial council may declare that the member is expelled. If it finds no reason to do so, it shall terminate the suspension.
3. The provincial council may also expel a member ex officio, after giving him the opportunity to defend himself orally, if that person has acted in breach of section 12 of the Provinces Act.
4. Notice of the decision of the provincial council referred to in subsections 2 and 3 shall be given forthwith to the person concerned.
5. If the provincial council has decided to expel the member, this decision shall not take effect as long as an appeal is possible under the Administrative Jurisdiction (Government Orders) Act or proceedings are pending pursuant to such an appeal. If the expulsion is by virtue of a decision taken ex officio, the member of the provincial council shall be suspended from his position during this period.
6. If a member of the provincial council has been expelled under this section, the King's Commissioner shall notify the chairman of the central electoral committee accordingly.

#### Section X 8

1. A member of the municipal council who acts in breach of

section 26 of the Municipalities Act may be suspended from his position by the burgomaster and aldermen. The burgomaster and aldermen shall refer the matter to the municipal council for consideration at its next meeting.

2. After giving the suspended person the opportunity to defend himself orally, the municipal council may declare that the member is expelled. If it finds no reason to do so, it shall terminate the suspension.

3. The municipal council may also expel a member *ex officio*, after giving him the opportunity to defend himself orally, if that person has acted in breach of section 26 of the Municipalities Act.

4. Notice of the decision of the council referred to in subsections 2 and 3 shall be given forthwith to the person concerned.

5. If the municipal council has decided to expel the member, this decision shall not take effect as long as an appeal is possible under the Administrative Jurisdiction (Government Orders) Act or proceedings are pending pursuant to such an appeal. If the expulsion is by virtue of a decision taken *ex officio*, the member of the municipal council shall be suspended from his position during this period.

6. If a member of the municipal council has been expelled under this section, the burgomaster shall notify the chairman of the central electoral committee accordingly.

#### Section X 9

Section D 9 shall apply *mutatis mutandis* to a notice of appeal lodged pursuant to the Administrative Jurisdiction (Government Orders) Act against a decision as referred to in sections X 4, X 5, X 7 and X 8.

### PART V

#### Penalty, final and transitional provisions

#### CHAPTER Y

#### Penalty provisions

#### Section Y 1

A person who forges or falsifies ballot papers, electors' passes, certificates of authorisation or postal vote certificates with the intention of using them or having them used by others as though they were genuine and unfalsified shall be liable to a term of imprisonment not exceeding six years or a category four fine.

#### Section Y 2

A person who intentionally uses or causes others to use as though they were genuine and unfalsified ballot papers, electors' passes, certificates of authorisation or postal vote

certificates which he himself has forged or falsified or whose forgery or falseness was known to him when he received them or has them in stock with the intention of using them or having them used by others as though they were genuine and unfalsified shall be liable to a term of imprisonment not exceeding six years or a category four fine.

### Section Y 3

A person who has ballot papers, electors' passes, certificates of authorisation or postal vote certificates in his possession with the intention of using them or causing others to use them unlawfully shall be liable to a term of imprisonment not exceeding two years or a category four fine.

### Section Y 4

1. A person who, by means of a gift or promise, bribes an elector to cast his vote by proxy shall be liable to a term of imprisonment not exceeding six months or a category three fine.
2. An elector who allows himself to be bribed to vote by proxy by means of a gift or promise shall be liable to the same penalty.

### Section Y 5

1. In the event of a conviction for one of the indictable offences referred to in sections Y 1 to Y 4, the offender may be deprived of the rights referred to in article 28, paragraph 1, points 1, 2 and 4, of the Criminal Code.
2. In the event of a conviction to a term of imprisonment of at least one year for one of the indictable offences referred to in sections Y 1 to Y 3, the offender may be deprived of the rights referred to in article 28, paragraph 1, point 3, of the Criminal Code.

### Section Y 6

A person who votes in an election as proxy for a person whom he knows has died shall be liable to a term of detention not exceeding a month or a category two fine.

### Section Y 7

A person who has authorised another person to vote for him in an election and nonetheless votes personally shall be liable to a term of detention not exceeding a month or a category two fine.

### Section Y 8

A person who systematically approaches people in order to induce them to sign the form on their voter registration card intended for voting by proxy and to relinquish the card shall be liable to a term of detention not exceeding a month or a



category two fine.

#### Section Y 9

An employer who does not comply with the obligation to which he is subject under section J 10 shall be liable to a term of detention not exceeding fourteen days or a category two fine.

#### Section Y 10

The chairman and members of an electoral committee and the deputy members who have been called up shall be liable to a category one fine if they are unnecessarily absent from the sitting without a replacement having been arranged.

#### Section Y 11

The offences referred to in sections Y 1 to Y 4 shall be treated as indictable offences and the offences referred to in sections Y 6 to Y 10 as summary offences.

### CHAPTER Z

#### Final and transitional provisions

##### Section Z 1

1. If activities stipulated by or pursuant to this Act would fall on a Saturday, Sunday or official public holiday they shall take place instead on the next day that is not a Saturday, Sunday or official public holiday. This provision shall also apply to the simultaneous retirement of the members of the representative bodies.
2. In so far as it is left to the authorities to determine the time of such activities, no Saturdays, Sundays or official public holidays shall be designated.
3. Official public holidays are the days named as such in section 3 of the General Time Limits Act (Bulletin of Acts, Orders and Decrees 1964, 314) and days equated with them by or pursuant to that section.

##### Section Z 2

The table annexed to this Act shall form part of it.

##### Section Z 3

Until such time as the Lower and Upper House and the provincial and municipal councils have been elected in accordance with the provisions of this Act, the declaration of the appointment of persons to fill casual vacancies shall take place in the manner provided for before the entry into effect of this Act.

#### Section Z 4

The Franchise Act (Bulletin of Acts, Orders and Decrees 1951, 290) is repealed.

#### Section Z 5

1. The existing division of the Netherlands into election districts for the election of the members of the Lower House upon the entry into effect of this Act shall remain in force until a time to be determined by royal decree, but until no later than the day on which the Lower House assembles for the first time after the first election following the entry into force of this Act.

2. The existing division of a province into election districts for the election of the members of the provincial council upon the entry into force of this Act shall remain in force until the provincial council has taken a decision on the division into election districts, but until no later than the day on which the provincial council assembles for the first time after the first election following the entry into force of this Act.

#### Section Z 6

The periodic elections of the members of the Lower House and of the municipal councils in 1990 shall be held at the times provided for in the Franchise Act (Bulletin of Acts, Orders and Decrees 1951, 290).

#### Section Z 7

The registers kept by the Election Council and by the central electoral committees for the election of the members of provincial councils pursuant to section G 1, subsection 1, or section G 2, subsection 1, as the case may be, of the Election Act (Bulletin of Acts, Orders and Decrees 1951, 290), as they read at the time of entry into force of this Act, shall lapse with effect from this date. In the register kept for the election of the members of the Lower House pursuant to section G 1, subsection 1, of this Act, the central electoral committee shall enter ex officio as appellation, at the discretion of the relevant groupings, the name or the appellation or, provided they do not exceed 35 letters or other signs, the name and the appellation of the political groupings whose name or appellation was placed above a list of candidates to which one or more seats were awarded in the last election of the members of the Lower House. These names or appellations shall be entered in the register in the form and order in which they were included in the register prior to that time.

#### Section Z 8

On the first election of the members of the Upper House after

the entry into force of this Act:

(a) in the application of section R 4, subsection 2, second sentence, the words "a political grouping whose appellation was placed above a list of candidates to which" in shall be replaced by "a political grouping to which".

(b) in the application of section S 12, subsection 1, first sentence, the words "those of political groupings whose appellation was placed above a list of candidates to which" shall be replaced by "those of political groupings to which".

#### Section Z 9

1. This Act shall enter into force on a date to be determined by royal decree.

2. Prior to the publication of this Act Our Minister for Home Affairs shall rearrange the numbering of the sections, paragraphs and chapters of this Act and shall alter the references in this Act to the sections, paragraphs and chapters in such a way that they are in keeping with the new numbering.

#### Section Z 10

This Act may be cited as the Franchise Act.

Order and decree that this Act shall be published in the Bulletin of Acts, Orders and Decrees and that all ministerial departments, authorities, councils and public servants whom it may concern shall be precise in the implementation thereof.

Done at The Hague, 28 September 1989

Beatrix

D.IJ.W. de Graaff-Nauta  
State Secretary for Home Affairs

Published on the nineteenth of October 1989  
F. Korthals Altes  
Minister of Justice

Table referred to in section E 1, subsection 1, of the Franchise Act

Number of election	Area covered by the election district	Municipality where principal electoral committee is located
1.	Province of Groningen	Groningen
2.	Province of Friesland	Leeuwaarden
3.	Province of Drenthe	Assen
4.	Province of Overijssel	Zwolle
5.	Province of Flevoland	Lelystad
6.	Municipalities of Ammerzoden Beuningen, Brakel, Buren, Culemborg, Druten, Echteld, Geldermalsen, Groesbeek, Hedel, Heerewaarden, Heumen, Kerkwijk, Kesteren, Lienden, Maasdriel, Maurik, Millingen aan de Rijn, Neerijnen, Nijmegen, Rossum, Tiel, Ubbergen, Vuren, West Maas en Waal, Wijchen, Zaltbommel.	Nijmegen
7.	Municipalities of the province of Gelderland which do not belong to election district 6.	Arnhem
8.	Province of Utrecht	Utrecht
9.	Municipality of Amsterdam	Amsterdam
10.	Municipalities of Aalsmeer, Amstelveen, Bennebroek, Beverwijk, Blaricum, Bloemendaal, Bussum, Diemen, 's-Gravenland, Haarlem, Haarlemmerliede en Spaarnewoude, Haarlemmermeer, Heemskerk, Heemstede, Hilversum, Huizen, Laren, Muiden, Naarden, Nederhorst den Berg, Ouder-Amstel, Uithoorn, Velsen, Weesp, Zandvoort.	Haarlem
11.	Municipalities of the province of North Holland not belonging to election districts 9 or 10.	Den Helder
12.	Municipality of The Hague	The Hague
13.	Municipality of Rotterdam	Rotterdam