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

Last amended by Act of 29 October 2009, Bulletin of Acts and Decrees 2009, no. 452

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Act of 28 September 1989 containing new provisions governing the franchise and elections (Elections Act)[1]

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

To all who shall see or hear these presents, greetings! Be it known:

Whereas we consider it desirable that new provisions be laid down governing the franchise and the election of members of the House of Representatives *(Tweede Kamer)* and Senate *(Eerste Kamer)* of the States General and of the members of provincial and municipal councils;

We, therefore, having heard the Council of State and in consultation with the States General, have approved and decreed as We hereby approve and decree:

PART I
General provisions

CHAPTER A
The Electoral Council

Section A 1
There shall be an Electoral Council, established in The Hague.

Section A 2
1. The Electoral Council shall advise the government and the two Houses of the States General on technical matters concerning the franchise or the conduct of elections.

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

3. The Electoral Council shall comprise seven members.

Sections A 3 to A 9 [Repealed on 1 January 1997]

PART II
The election of members of the House of Representatives of the States General, and of provincial and municipal councils

CHAPTER B
The franchise

Section B 1
1. Members of the House of Representatives of the States General shall be elected by persons who are Dutch 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) Dutch nationals who have been resident in the Netherlands for at least ten years;

[1] Last amended by Act of 28 April 2005, Bulletin of Acts and Decrees 2005, no. 229.

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(b) Dutch nationals who are employed in the Dutch public service in the Netherlands Antilles or Aruba and their Dutch spouses or partners and children, in so far as they have joint households.

Section B 2
1. Members of the provincial councils shall be elected by persons who are residents of the province on nomination day, provided they are Dutch nationals and have attained the age of eighteen years on polling day.

Section B 3
1. Members of municipal councils shall be elected by persons who are residents of the municipality on nomination day and who have attained the age of eighteen years on polling day.

2. To be entitled to vote, persons who are not nationals of a European Union member state should, on nomination day, meet the following requirements:
(a) they are legally resident in the Netherlands pursuant to section 8 (a), (b), (d), (e) or (l) of the Aliens Act 2000 or pursuant to a headquarters agreement between an international organisation and the State of the Netherlands, and
(b) they have been resident in the Netherlands for an uninterrupted period of at least five years immediately prior to nomination day and have residence rights as referred to in (a) above or are legally resident in the Netherlands pursuant to section 8 (c) of the Aliens Act 2000.

3. Non-Dutch nationals and persons employed in the Netherlands as members of diplomatic or consular missions posted to the Netherlands by other States, and their non-Dutch spouses or partners and children, in so far as they have a joint household, are not entitled to vote.

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 whose names and addresses are entered in the municipal database of a municipality shall, for the purposes of this Act and subject to proof to the contrary, be deemed for the purposes of this Act to have their actual place of residence in that municipality.

Section B 5
1. Persons who have been disqualified from voting by the final decision of a court shall be disqualified from the franchise. The disqualification shall be assessed by reference to the situation 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 mayor of the municipality where the person concerned is entered in the municipal database or, if the person is not entered in any municipal database, to the mayor of the municipality of The Hague, with a note of the name, initials or given names, address and date of birth and of the duration of the disqualification.

3. On receipt of the notice referred to in subsection 2 the mayor shall notify the person concerned of his disqualification and the duration thereof.

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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 *de facto* freedom of movement on polling day to be able to vote in person;
(b) to those who are entitled to periodic leave under the regime of the institution in which they are detained.

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 members of the House of Representatives of the States General, of provincial councils and of municipal councils

Section C 1
1. Members of the House of Representatives shall be elected for a term of four years.

2. They shall retire simultaneously on a date to be determined by the President of the House of Representatives, on the Thursday between 10 and 16 March or, in a leap year, on a date to be determined by the President of the House of Representatives, on the Thursday between 9 and 15 March.

Section C 2
1. Members of the House of Representatives elected after the dissolution of the House shall retire simultaneously on a date to be determined by the President of the House of Representatives, on the first Thursday in the period referred to in section C 1, subsection 2, after four years have elapsed since the meeting of the central electoral committee at which the result of the election was announced.

2. If these four years end in a period beginning on the date referred to in section C 1, subsection 2, and ending on a date to be determined by the President of the House of Representatives, on the Thursday between 19 and 25 May, they shall retire on the first Thursday in the period referred to in subsection 2 after three years have elapsed since the meeting of the central electoral committee.

Section C 3
1. If the date specified in section C 1, subsection 2, or in section C 2 falls in a year in which an election to the provincial councils or the municipal councils is being held, the members of the House of Representatives shall retire simultaneously on a date to be determined by the President of the House of Representatives, on the Thursday between 19 and 25 May.

2. Members of the House of Representatives 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 a date to be determined by the President of the House of Representatives, on the first Thursday in the period referred to in section C 1, subsection 2, after three years have elapsed since the meeting of the central electoral committee at which the result of the election was announced.

Section C 4
1. Members of provincial councils and of municipal councils shall be elected for a term of four years.

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2. They shall retire simultaneously on the Thursday between 10 and 16 March or, in a leap year, on the Thursday between 9 and 15 March.

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 was appointed would have had to retire.

CHAPTER D
Registration of the franchise

Section D 1
1. The municipal executive shall register the franchise of the residents of the municipality in the municipal records.

Section D 2 [Repealed on 1 January 1998]

Section D 3
1. For every election to the House of Representatives, the municipal executive of The Hague shall register the franchise of persons who, on nomination day, have their actual place of residence outside the Netherlands, if they have submitted a written request to this effect.

2. The request shall be filed no more than six months before polling day.

3. The request shall be lodged with the head of the consular mission within whose area of jurisdiction the applicant's place of residence falls or with the municipal executive of The Hague. The head of the consular mission shall forward the request as quickly as possible to the municipal executive 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 lodged with the representative of the Netherlands in the Netherlands Antilles or Aruba, or with the municipal executive of The Hague. The representative of the Netherlands in the Netherlands Antilles and Aruba shall forward the request as quickly as possible to the municipal executive of The Hague.

5. If the request is made by a person as referred to in section B 1, subsection 2 (b), whose actual place of residence has not been in the Netherlands for at least ten years, it shall be lodged with such of Our Ministers as is responsible for the work of the relevant official. Our Minister shall forward the request as quickly as possible to the municipal executive 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 lodged with the municipal executive of The Hague.

7. The request must have been received by the body with which it is to be lodged no later than six weeks before polling day.

8. The municipal executive of The Hague shall decide on the request, on the basis of the presumed situation on nomination day, no later than the seventh day after it has received it.

9. When and where the request forms may be obtained, free of charge, by voters shall be regulated by order in council. A model form shall be established by ministerial order.

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Section D 3a
1. The municipal executive of The Hague shall maintain a database of persons to whom a form for registration of the franchise is to be sent, without the need for a separate request, for each election to the House of Representatives.

2. Persons shall be included in this database at their own request or following a request for registration of the franchise for an election to the House of Representatives, regardless of whether such a request has been granted.

3. The municipal executive of The Hague shall remove names from the database if:
a. the person registered so requests;
b. no request for registration was lodged in respect of the last election to the House of Representatives.

4. The data to be included in the database shall be determined by order in council.

Section D 4
The municipal executive shall immediately notify any person at his request whether he is registered as a voter. If the person making the request is not registered as a voter, he shall be notified of the reasons for this no later than on the seventh day after receipt of the request.

Section D 5
Any person may request the municipal executive in writing for a review of his registration on the grounds that he has not been registered, or not registered in the correct way, as a voter.

Section D 6
The municipal executive shall decide on the request for review no later than the seventh day after receipt thereof and shall if necessary alter the municipal records accordingly.

Section D 7
The municipal executive shall send a copy of its decision to the applicant forthwith.

Section D 8
The municipal executive of The Hague shall remove the name of a person who has been registered as a voter pursuant to section D 3, subsection 1 from the register if it becomes aware of circumstances on account of which the person in question should not be registered as a voter. It shall notify him of this removal in writing without delay.

Section D 9
1. An interested party may lodge an appeal against a decision as referred to in section D 3, subsection 8, section D 6 and section D 8 with the Administrative Jurisdiction Division of the Council of State.

2. Section 7:1 and Title 8.3 of the General Administrative Law Act shall not apply.

3. Notwithstanding section 8:41, subsection 2 of the General Administrative Law Act, the time limit within which the amount due must be paid or deposited shall be two weeks. The president of the Administrative Jurisdiction Division may impose a shorter time limit.
4. The Administrative Jurisdiction Division shall deal with the case in accordance with Division 8.2.3 of the General Administrative Law Act. Division 8.2.4 shall not apply. A copy of the notice of appeal shall be forwarded without delay to the municipal executive.

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Section D 10
Further rules governing registration of the franchise may be made by order in council.

CHAPTER E
Electoral districts and electoral committees

§ 1 Electoral districts

Section E 1
1. For elections to the House of Representatives, the Netherlands shall be divided into electoral districts in accordance with the table appended to this Act.

2. The electoral districts for elections to the House of Representatives shall also form the electoral districts for elections to the provincial councils. Provincial councils may divide these electoral districts into more electoral districts for an election of their members.

3. For elections to municipal councils, each municipality shall form a single electoral district.

Section E 2 [Repealed on 1 January 2010]

§ 2 Electoral committees

Section E 3
1. The municipal executive shall establish one or more electoral committees in the municipality.

2. The number of members constituting an electoral committee shall be determined by order in council. One of the members shall be the chairperson.

Section E 4
The municipal executive shall appoint the members of each electoral committee and a sufficient number of alternate members in good time before each election.

§ 4 Principal electoral committees

Section E 5
1. For elections to the House of Representatives, a principal electoral committee shall be established in each electoral district. 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 shall be the chairperson and another the deputy chairperson.

3. The chairperson shall be the mayor of the municipality in which the principal electoral committee is situated. The deputy chairperson, the other members and three alternate members shall be appointed and dismissed by Our Minister of the Interior and Kingdom Relations.

Section E 6
1. For elections to provincial councils, a principal electoral committee shall be established in each electoral district. It shall be situated in the municipality designated for this purpose by the provincial council.

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2. The principal electoral committee shall consist of five members, one of whom shall be the chairperson and another the deputy chairperson.

3. The chairperson shall be the mayor of the municipality in which the principal electoral committee is situated. The deputy chairperson, the other members and three alternate members shall be appointed and dismissed by the provincial executive.

Section E 7
1. For elections to the municipal council, a principal electoral committee consisting of five members, one of whom shall be the chairperson and one the deputy chairperson, shall be established.

2. The mayor shall be the chairperson of the principal electoral committee. The deputy chairperson, the other members and three alternate members shall be appointed and dismissed by the municipal executive.

Section E 8
The appointments referred to in sections E 5, E 6 and E 7 shall last 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 was appointed would have had to retire.

Section E 9
The municipal executive shall designate a suitable location for the meetings of the principal electoral committee.

Section E 10
Further rules regarding the establishment, composition and procedures 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 elections to each representative assembly.

2. The Electoral Council shall act as the central electoral committee for elections to the House of Representatives.

3. The principal electoral committee of the electoral district in which the municipality where the provincial council meets is situated shall also act as the central electoral committee for elections to the provincial council.

4. The principal electoral committee shall also act as the central electoral committee for elections to the municipal council.

CHAPTER F
Date of nominations

Section F 1
1. Nominations for elections to the House of Representatives, provincial councils and municipal councils shall take place on the Tuesday between 18 and 24 January.

2. In the case referred to in section C 3, subsection 1, nominations for elections to the House of Representatives shall take place on the Tuesday between 29 March and 4 April.

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3. If there are compelling reasons for so doing relating to the date of polling day, it may be stipulated by royal decree that nominations shall take place on the Tuesday, Wednesday, Thursday or Monday before the day referred to in subsection 1 or 2. The royal decree shall be promulgated at the latest six months before the day referred to in subsection 1 or 2.

Section F 2
In the event of the dissolution of the House of Representatives, 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 submit a request in writing to the central electoral committee for an election to the House of Representatives 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 received after the forty-third day before nomination day shall be disregarded for the purpose of the next election.

2. A deposit of €450 shall be paid to the State for the registration referred to in subsection 1. The person who makes the payment shall be given proof of payment. The deposit shall be returned after a valid list of candidates has been filed for the next election following the decision on the request.

3. The following shall be filed with the request:
(a) a copy of the notarial instrument containing the association's charter;
(b) proof of entry in the commercial register referred to in section 2 of the Commercial Registers Act 2007;
(c) the proof of payment referred to in subsection 2;
(d) a declaration by the political grouping designating its authorised agent and deputy agent at the central electoral committee, which shall apply until it is 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 largely similar to the previously registered appellation of another political grouping or to an appellation for which a request for registration was previously received pursuant to this section, so that there is a risk of confusion;
(c) the appellation is misleading for the voters in some other way;
(d) the appellation contains more than 35 letters or other characters;
(e) the appellation is identical or largely 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 was received by the central electoral committee on the same day as another request for registration of an identical or largely similar appellation, unless this other request must be refused on one of the grounds referred to in (a) to (e) above.

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 Government Gazette.

6. A political grouping whose appellation has been registered may submit a request in writing to the central electoral committee for the appellation to be amended. The last

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sentence of subsection 1, and subsections 4 and 5 shall apply *mutatis mutandis* to requests for amendment.

7. The central electoral committee shall cancel the appellation in the register and give notice of this in the 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 valid list of candidates was submitted for the previous election to the House of Representatives.

8. On the fourteenth day before nominations for an election to the House of Representatives and on the fortieth day before nominations for an election to the provincial council or the municipal council, the central electoral committee shall publish in the 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 has not already been registered with the central electoral committee for an election to the House of Representatives may submit a written request to the central electoral committee for elections to the provincial council 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 received after the forty-third day before nomination day shall be disregarded for the purpose of the next election.

2. A deposit of €225 shall be paid to the municipality where the central electoral committee is situated for the registration referred to in subsection 1. The person who makes the payment shall be given proof of payment. The deposit shall be returned to him after a valid list of candidates has been filed for the next election following the decision on the request.

3. The following shall be filed with the request:
(a) a copy of the notarial instrument containing the association's charter;
(b) proof of entry in the commercial register referred to in section 2 of the Commercial Registers Act 2007;
(c) the proof of payment referred to in subsection 2;
(d) a declaration by the political grouping designating its authorised agent and deputy agent at the central electoral committee, which shall apply until it is 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 largely similar to the appellation of another political grouping previously registered pursuant to this section or section G 1 or to an appellation for which a request for registration was previously received pursuant to this section, so that there is a risk of confusion;
(c) the appellation is misleading for the voters in some other way;
(d) the appellation contains more than 35 letters or other characters;
(e) the appellation is identical or largely 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 was received by the central electoral committee on the same day as another request for registration of an identical or largely similar appellation, unless this other request must be refused on one of the grounds referred to at (a) to (e) above.

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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 Government Gazette.

6. A political grouping whose appellation has been registered may submit a request in writing to the central electoral committee for the appellation to be amended. The last sentence of subsection 1 and subsection 4 and 5 shall apply *mutatis mutandis* to requests for amendment.

7. The central electoral committee shall cancel the appellation in the register and give notice of this in the 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 valid list of candidates was submitted for the previous election to the provincial council.

8. On the fourteenth day before nominations for an election to the provincial council and on the fortieth day before nominations for an election to the municipal council, the central electoral committee shall publish in the 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 has not already been registered with the central electoral committee for elections to the House of Representatives or the provincial council may submit a written request to the central electoral committee for elections to the municipal council 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 received after the forty-third day before nomination day shall be disregarded for the purpose of the next election.

2. A deposit of €112.50 shall be paid to the municipality for the registration referred to in subsection 1. The person who makes the payment shall be given proof of payment. The deposit shall be returned to him after a valid list of candidates has been filed for the next election following the decision on the request.

3. The following shall be filed with the request:
(a) a copy of the notarial instrument containing the association's charter;
(b) proof of entry in the commercial register referred to in section 2 of the Commercial Registers Act 2007;
(c) the proof of payment referred to in subsection 2;
(d) a declaration by the political grouping designating its authorised agent and deputy agent at the central electoral committee, which shall apply until it is 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 largely similar to the previously registered appellation of another political grouping or to an appellation for which a request for registration was previously received pursuant to this section or to sections G 1 or G 2, so that there is a risk of confusion;
(c) the appellation is misleading for the voters in some other way;
(d) the appellation contains more than 35 letters or other characters;

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

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

6. A political grouping whose appellation has been registered may submit a request in writing to the central electoral committee for the appellation to be amended. The last sentence of subsection 1, and subsection 4 and 5 shall apply *mutatis mutandis* to requests for amendment.

7. The central electoral committee shall cancel the appellation in the register and publish this in the manner customary 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 valid list of candidates was submitted for the previous election to 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, subsection 8 or G 2, subsection 8 shall also be valid for an election to a provincial council and a municipal council or for an election to a municipal council.

2. The central electoral committee for an election to a provincial council or a municipal council may decide that the effect of the registration shall not be extended as referred to in subsection 1 if the registered appellation is identical or largely similar to the appellation of another political grouping registered pursuant to section G 2 or G 3 respectively, so that 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 Government Gazette in which the publication referred to in section G 1, subsection 8, or section G 2, subsection 8, appeared. A copy of the decision shall be immediately forwarded to the agent of the relevant grouping.

Section G 5
1. An interested party may file an appeal against a decision as referred to in sections G 1, G 2, G 3 and G 4 with the Administrative Jurisdiction Division of the Council of State.

2. Notwithstanding section 6:7 of the General Administrative Law Act, a notice of appeal pursuant to the said Act against:
(a) a decision as referred to in sections G 1 and G 2 shall be filed no later than the sixth day after the date of the 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 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;

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(c) a decision as referred to in section G 4 shall be filed no later than the sixth day after the date on which the decision as referred to in subsection 2 of that section is published or after the day on which the decision is deemed to have been refused.

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

Section G 6
1. Further rules regarding the payment of deposits for registration shall be laid down by order in council.

2. Models for the registers in which the appellations of political groupings are listed, the public notice to be given of the registered appellations and the names of agents and their deputies, and the proof of payment of the deposit shall be established by ministerial order.

CHAPTER H
Submission of lists of candidates

Section H 1
1. Lists of candidates may be submitted to the chairperson of the principal electoral committee, or a member of the committee designated by him, at the clerk's office of the municipality where the committee is situated, between 09.00 and 15.00 hours on nomination day. The mayor of each municipality shall publish notice of this at least three weeks before nomination day.

2. When and where forms for the lists of candidates may be obtained, free of charge, by voters shall be regulated by order in council. A model form shall be established by ministerial order.

Section H 2
1. In the case of an election to the House of Representatives or to the provincial council of a province consisting of more than one electoral district, it shall be sufficient for the lists to be submitted to one principal electoral committee if the political grouping in question is taking part in all the electoral districts with lists of candidates containing over thirty names and the names are the same, except for not more than the last five, and are listed in the same order. If a list of candidates contains the same names listed in the same order, it shall suffice for a political grouping whose appellation appeared at the top of a list of candidates to which one or more seats were allocated in the previous election to the House of Representatives or provincial council to submit one list to 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, if one or more seats were allocated to either the combination of groupings or at least one of them in the previous election to the relevant representative assembly.

2. The submission referred to in subsection 1 shall take place at the principal electoral committee of electoral district 12 (The Hague) if it relates to an election to the House of Representatives, and at the principal electoral committee of the electoral district in which the municipality where the provincial council meets is situated if it relates to an election to the provincial council. For the purposes of section H 11 and section I 10, subsection 3, such a submission shall be deemed to have been made in all electoral districts.

Section H 3
1. The list shall be submitted personally by a voter qualified to take part in the election. If this person is not registered as a voter in the municipality where the principal electoral committee is situated, he shall also lodge a declaration by the municipal executive of the

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municipality where he is registered as a voter to the effect that he is qualified to take part in the election. The chairperson of the principal electoral committee or the member of the committee designated by him may require the person submitting the list to produce evidence of his identity. The candidates may be present when the list is submitted.

2. The person submitting 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 in evidence of this authorisation shall be submitted with the list.

3. The person submitting the list shall be qualified to place at the top of it an appellation formed by a combination of the appellations or abbreviations thereof registered for the relevant election, if he has been empowered to do so by the agents of the various groupings. A declaration to this effect by the agents shall be submitted with the list. An appellation formed in this way may not contain more than 35 letters or other characters.

4. The person who submitted the list shall receive proof thereof from the chairperson of the principal electoral committee or the member of the committee designated by him.

5. When and where forms for declarations relating to the placing of appellations of political groupings at the top of lists of candidates may be obtained, free of charge, shall be regulated by order in council. A model form shall be established by ministerial order.

Section H 4
1. A list shall be accompanied by written declarations of support for the list from voters, listing the candidates in the same way and in the same order as on the list. In the case of an election to the House of Representatives or to a provincial or municipal council with at least 39 seats to be filled, the minimum number of declarations of support shall be 30; in the case of an election to a municipal council with fewer than 39 but more than 19 seats to be filled, the minimum number of declarations of support shall be 20, and in the case of an election to a municipal council with fewer than 19 seats to be filled the minimum number of declarations of support to be submitted shall be 10.

2. Declarations of support may be made only by persons registered as voters for the relevant election in the electoral district to which the list applies.

3. A voter who wishes to make a declaration of support shall, no more than seven days before, or on, nomination day, sign the declaration at the clerk’s office of the municipality where he is registered as a voter, in the presence of the mayor or a municipal official designated for this purpose by him. The voter shall show the mayor or the municipal official evidence of his identity.

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

5. A voter may not sign more than one declaration of support.

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

7. When and where forms for declarations of support may be obtained, free of charge, by voters shall be regulated by order in council. A model form shall be established by ministerial order.

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8. The obligation referred to in subsection 1 shall not apply to a list of candidates of a political grouping whose appellation was placed at the top of a list of candidates to which one or more seats were awarded at the last election to the relevant representative assembly. The previous sentence shall also apply to:
a. a combination of appellations of two or more groupings, if one or more seats were awarded at the last election to the relevant assembly, either to the groupings jointly or to at least one of them;
b. a new appellation if two or more groupings participate in the election as a single grouping under a new name and each of the individual groupings was awarded one or more seats at the last election to the relevant assembly.

Section H 5
An agent and, if desired, his deputies may be designated on a list as empowered to merge a 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 submitting 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 fifty candidates may be placed on any one list. In the case of a political grouping whose appellation was placed at the top of a list of candidates to which more than fifteen seats were awarded at the last election to the relevant representative assembly, the number of names on one list may not exceed eighty. The provisions of the previous sentence shall 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 relevant assembly during the term of office of the assembly to which the election is being held.

2. The name of the same candidate may not appear on more than one of the lists submitted to the same principal electoral committee.

3. If, in the case of an election to a provincial council or a municipal council, the name of a candidate who is not a resident of the province or municipality 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 the list shall be submitted with the list.

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

3. The list shall be accompanied by valid proof of identity for every candidate who is not a member of the representative assembly for which the election is being held. In the absence of valid proof of identity for any such candidate, his declaration of consent shall be deemed not to have been submitted.

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4. When and where forms for declarations of consent may be obtained, free of charge, by voters shall be regulated by order in council. A model form shall be established by ministerial order.

5. If the candidate is outside the Netherlands, the declaration need not be made on a particular form.

Section H 10
1. A candidate whose place of residence is situated outside the Netherlands shall also designate, in the declaration of consent, an agent resident in the Netherlands, stating the latter's name, initials and address. If the candidate appears on more than one list, the same agent must be designated in each declaration. The agent is empowered, in the candidate's place, to perform the acts referred to in section V 2, subsections 1, 4 and 5, and section V 3, subsections 1 and 3, and section W 2, subsection 1 (f)..

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

Section H 10a
1. In the case of an election to the House of Representatives or a provincial council in a province with more than one electoral district, a candidate resident in the Netherlands may designate, in the declaration of consent, an agent resident in the Netherlands, stating the latter's name, initials and address. If the candidate appears on more than one list, the same agent shall be named in each declaration. The agent is empowered, in the candidate's place, to perform the acts referred to in section V 2, subsections 1, 4 and 5, section V 3, subsections 1 and 2, and section W 2, subsection 1 (f).

2. This authorisation may be used only to ensure that candidates on the political grouping's joint lists are declared appointed in the order established by the said grouping before nomination day.

3. If the appointment precedes the first meeting of the newly-elected assembly, the authorisation may not be used for candidates who have obtained a number of votes on the joint lists on which they appear which exceeds 25% of the electoral quota.

4. The political grouping shall communicate the order referred to in subsection 2 to the central electoral committee no later than two weeks after nomination day. The chairperson of the central electoral committee shall ensure that the order is published in the Government Gazette as soon as possible.

5. Section H 10, subsection 2 shall apply *mutatis mutandis*.

Section H 11
1. Lists of candidates submitted in different electoral districts on which the same candidates appear in the same number and the same order shall together form a set of identical lists.

2. Lists of candidates submitted in different electoral districts at the top of which the same appellation of a political grouping appears shall together form a group of lists. The

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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 to the House of Representatives, a deposit of €11,250 shall be paid to the State 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 appeared at the top of a list of candidates to which one or more seats were allocated at the previous election to the House of Representatives. The provisions of the previous sentence shall also apply to cases in which the appellations of two or more groupings are combined, if at the last election to the House of Representatives one or more seats were allocated to the groupings or to at least one of them.

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

4. If no valid list is submitted, the State shall return the deposit to the person who paid it, after the result of the election has been determined.

5. After the result of the election has been determined by the central electoral committee, the deposit shall be returned to the person who paid it, unless the total number of votes cast for 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 that case the deposit shall be forfeited to the State.

Section H 13

1. In the case of an election to a provincial council, a deposit of €1,125 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 appeared at the top of a list of candidates to which one or more seats were allocated at the last election to the provincial council. The provisions of the previous sentence shall also apply to cases in which the appellations of two or more groupings are combined, if at the last election to the provincial council one or more seats were allocated to the groupings or to at least one of them.

3. The person who made the payment referred to in subsection 1 shall receive proof thereof for each electoral district. This proof must be submitted with the list.

4. If no valid list is submitted, the municipality where the central electoral committee is located shall return the deposit to the person who paid it, after the result of the election has been determined.

5. After the result of the election has been determined by the central electoral committee, the deposit shall be returned to the person who paid it, 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 that case the deposit shall be forfeited to the municipality where the central electoral committee is located.

Section H 14

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1. In the case of an election to a municipal council, a deposit of €225 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 appeared at the top of a list of candidates to which one or more seats were allocated at the last election to the municipal council. The provisions of the previous sentence shall also apply to cases in which the appellations of two or more groupings are combined, if at the last election to the municipal council one or more seats were allocated to the groupings or to at least one of them.

3. The person who made the payment referred to in subsection 1 shall receive proof thereof. This proof must be submitted with the list.

4. If no valid list is submitted, the municipality shall return the deposit to the person who paid it, after the result of the election has been determined.

5. After the result of the election has been determined by the central electoral committee, the deposit shall be returned to the person who paid it, unless the total vote for the list is lower than 75 per cent of the electoral quota referred to in section P 5 and no seat was allocated to the list. In that 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. Models for the proof of payment of the deposit shall be established by ministerial order.

CHAPTER I
The examination, merging, numbering and publication of the lists of candidates

§ 1 Examination of the lists of candidates

Section I 1
1. At 16.00 hours on nomination day, the principal electoral committee shall meet 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 copies of the lists of candidates submitted.

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 copies of the list of candidates submitted for the relevant electoral 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 the person who submitted the list, by registered letter or receipted delivery, that:
(a) if declarations of support had to be submitted with the list, the minimum number referred to in section H 4, subsection 1 has not 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 declarations by a voter who has signed more than one declaration;
(b) in the circumstances referred to in section H 7, subsection 3, there is no declaration that, if elected, the candidate intends to take up residence in the relevant province or municipality;

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(c) a candidate has not been described in accordance with the provisions of section H 8;
(d) there is no declaration that the candidate consents to his nomination on the list;
(e) in the case of an election to the House of Representatives, a candidate whose place of residence is situated outside the Netherlands has not designated an agent in his declaration of consent;
(f) if a deposit should have been be paid, there is no proof of payment;
(g) the list was not submitted personally by a voter qualified to take part in the election;
(h) if the list was submitted by a voter who is not registered as such in the municipality where the principal electoral committee is located, the voter did not submit a declaration by the municipal executive of the municipality where he is registered that he is qualified to take part in the election;
(i) there is no declaration as referred to in section H 3, subsection 2 or 3.

2. The person who submitted 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 the third day after nomination day, between 09.00 and 17.00 hours on the first and second days and between 09.00 and 15.00 hours on the third day.

3. In the case referred to in subsection 1 (a), voters may make declarations of support during the time until the omission is rectified.

4. In the case referred to in subsection 1 (f), the deposit may still be paid during the time until the omission is rectified.

5. In the case referred to in subsection 1 (g), a voter who would have been qualified to submit the list may, by appearing in person at the municipal clerk's office, take the place of the unqualified person; the former shall then be deemed to have submitted the list personally. The provisions of the preceding sentence shall apply *mutatis mutandis* if the declaration referred to in subsection 1 (h) has not yet been submitted.

6. If the person who submitted the list is absent or unable to be present, a person named on the list as a replacement as referred to in 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 for public inspection by the chairperson at the clerk's office of the municipality where the principal electoral committee is situated.

2. Copies of lists of candidates forwarded 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 as soon as they are received.

Section I 4
On the third day after nomination day, the principal electoral committee shall decide, at a public meeting starting at 16.00 hours, on the validity of the lists and on whether the candidates appearing on the list and the appellation of a political grouping at the top of it can be allowed to stand. It shall make this decision known at the meeting.

Section I 5
A list shall be invalid if:
(a) it is not submitted between 09.00 and 15.00 hours on nomination day to the chairperson of the principal electoral committee or the member designated by him;
(b) where a deposit must be paid, no proof of payment was submitted with the list;

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(c) where declarations of support must be submitted with the list, the minimum number referred to in section H 4, subsection 1 was not submitted;
(d) it does not comply with the model established by ministerial order;
(e) it was not personally submitted by a voter qualified to take part in the election;
(f) a declaration by the municipal executive that the person submitting the list is registered in its municipality and is qualified to take part in the election is required but has not been submitted;
(g) 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) who has not submitted a declaration of consent to the nomination;
(c) whose place of residence is situated outside the Netherlands, if no agent has been designated;
(d) who will not attain the age required for membership of the assembly for which the election is being held during its forthcoming term of office;
(e) who is not, in the case of an election to a provincial or municipal council, a resident of the relevant province or municipality and who has not declared that he intends to take up residence in the said province or municipality if appointed;
(f) who has declared that if appointed he intends to take up residence in the province or municipality, but who is also discovered to have made a similar declaration for an election to a different provincial or municipal council;
(g) who appears on more than one of the lists submitted to 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) there is no declaration as referred to in section H 3, subsection 2 or 3;
(b) the appellation appears at the top of more than one of the lists submitted to the principal electoral committee.

3. If the appellation of a political grouping does not correspond to that under which it has been registered, the principal electoral committee shall alter it *ex proprio motu* to make it so correspond.

Section I 7
1. Any interested party or any voter may appeal against a decision as referred to in section I 4 to the Administrative Jurisdiction Division of the Council of State. Notwithstanding section 6:7 of the General Administrative Law Act, the time limit for lodging an appeal shall be four days.

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

3. The Division shall give judgment no later than the sixth day after the notice of appeal has been received.

4. If the Division's judgment declares the appeal well founded, it shall substitute its judgment for the decision that has been set aside.

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5. The president of the Division shall immediately notify the parties and the chairperson of the principal electoral committee of the judgment.

Section I 8
1. If an appeal is lodged against a decision of a principal electoral committee declaring a list invalid or striking off the name of a candidate or the appellation of a political grouping on the grounds of one or more of the omissions referred to in section I 2, subsection 1, without the principal electoral committee first having notified the person who submitted 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 to 6 shall apply *mutatis mutandis.*

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

Section I 9
1. Once the time limit referred to in section I 7, subsection 1 has expired without an appeal being lodged or, where an appeal has been lodged, once the provisions of section I 7, subsection 5 have been applied, the chairperson of the principal electoral committee shall immediately notify the central electoral committee of the valid lists that have been submitted. He shall also indicate what alterations have been made 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. Notification of the central electoral committee shall not be required in the case of an election to a municipal council or the council of a province which forms a single electoral district. For the purposes of section I 17, subsection 1, it shall be deemed to have been given immediately.

3. A model notification form shall be established by ministerial order.

§ 2. The merging of lists of candidates to form a combined list

Section I 10
1. Lists of candidates of different political groupings may be merged to form a combined list by the submission, between 09.00 and 17.00 hours on nomination day, to 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 between political groupings whose appellation has been registered for the relevant election.

3. In the case of an election to the House of Representatives or to the council of a province comprising more than one electoral district, such a merger may only be effected if:
(a) the various groupings have submitted a list in every electoral district, and
(b) the combination relates to all the lists submitted for a grouping in the various electoral districts.

4. The provisions of subsection 2 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 submitted on behalf of these groupings.

5. A model for the declaration referred to in subsection 1 shall be established by ministerial order.

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Section I 11
The central electoral committee shall decide on the validity of the combined lists at the meeting referred to in section 1 12 and shall make that decision known at the meeting.

§ 3 The numbering of the lists of candidates

Section I 12
The central electoral committee shall number the lists of candidates at a public meeting held on the second day after nomination day and shall make that decision known at the meeting.

Section I 13
For numbering purposes, groups of lists and sets of identical lists not forming part of a group shall be treated as single lists.

Section I 14
1. The first lists to be numbered shall be those of political groupings whose appellation appeared at the top of a list of candidates to which one or more seats were allocated at the last election to the relevant representative assembly. These lists shall be numbered from 1 onwards in the order of the total votes cast for them at that election, provided always that the number 1 is given to the list of the grouping with the most votes. In the event of a tied vote, the matter shall be decided by lot.

2. Subsection 1 shall apply *mutatis mutandis* to cases in which the appellations of two or more groupings are combined, if, at the last election to the relevant representative assembly, one or more seats were allocated to the combination of groupings or to at least one of them. Where one or more seats were allocated to at least one of the groupings in question, the number of votes cast for the lists of the groupings to which the seats were allocated shall be added together for the purposes of the provisions of the second sentence.

3. The numbers following those assigned by virtue of subsection 1 shall subsequently be assigned to the remaining groups of lists and sets of identical lists for which a list has been submitted in every electoral district, in an order to be determined by lot.

4. 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 3, in the order of the number of electoral districts where a related list has been submitted, provided always that the next number shall be assigned to the group of lists or the set of identical lists for which a list has been submitted in the most electoral districts. Where the number of electoral districts is the same, the matter shall be decided by lot.

5. Finally, the separate lists for each electoral district shall be assigned by lot the numbers which have not yet been assigned to another list in any electoral district.

Section I 15
1. Immediately after the numbering has taken place, the chairperson shall publish the numbers assigned to the various lists.

2. In the case of elections to the House of Representatives, the numbers shall be published in the Government Gazette.

3. In the case of elections to a provincial or municipal council, the numbers shall be published in the manner customary in the province or municipality.

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Section I 16
A decision to declare a list of candidates invalid shall not affect the numbers assigned 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 chairperson 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 to the House of Representatives, by placing the lists, arranged according to the electoral districts and with a note of their numbers and, where appropriate, the appellations of the political groupings, in the Government Gazette; if the election is to a provincial or municipal council, by depositing the lists, bearing the numbers and, where appropriate, the appellations of the political groupings, for public inspection at the clerk's office of the municipality where the central electoral committee is situated. The chairperson 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. An official report shall be drawn up of the meetings referred to in sections I 1, I 4 and I 12. The report shall be available for public inspection.

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

3. The following shall be regulated by order in council:
(a) the place where official reports are to be deposited for inspection;
(b) the announcement of the time and place of the meeting referred to in section I 4 or 1 12.

4. Model official reports shall be established by ministerial order.

5. The chairperson of the principal electoral committee shall forward a copy of the official report to the central electoral committee immediately after the meeting.

CHAPTER J
Voting

§ 1 General provisions

Section J 1
1. Voting shall take place on the forty-third day after nomination day.

2. Voting shall start at 07.30 hours and continue until 21.00 hours.

3. If required due to a polling station's location, the municipal executive may decide that voting at the polling station in question shall start earlier or later than 07.30 hours and continue until a time earlier than 21.00 hours. The mayor shall publicly announce these times at least fourteen days before polling day.

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4. In polling stations as referred to in subsection 3 the count shall take place at 21.00 hours at a location to be determined and announced by the municipal executive. The location of the count shall be included in the announcement referred to in subsection 3.

5. A polling station as referred to in subsection 3 must be open for an uninterrupted period of eight hours on polling day, with the exception of polling stations as referred to in section J 4a.

Section J 2
In each electoral district votes shall be cast for the candidates whose names appear on the lists of candidates declared valid for that electoral district.

Section J 3 [Repealed on 1 January 2010]

Section J 4
1. The municipal executive shall designate a suitable polling station for each electoral committee. Further rules on this may be made by order in council. The mayor shall inform voters of the polling stations' addresses in a manner to be determined by order in council.

2. The municipal executive shall ensure that at least 25% of the municipality's polling stations are situated and equipped in such a way that voters with physical disabilities can cast their vote without assistance as far as possible.

3. At the request of the municipal executive, the boards of private schools shall make available suitable rooms, and the furniture they contain, for use as polling stations, if appropriate in return for payment of the expenses incurred.

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

Section J 4a
1. A municipal executive may designate mobile polling stations in its municipality. The mayor shall make a public announcement to this effect at least fourteen days before polling day.

2. The municipal executive shall determine the times during which the mobile polling stations will be open and the locations at which they will be stationed on polling day. The times and locations shall be included in the announcement referred to in subsection 1.

3. Before a polling station as referred to in section 1 moves to a different location, the slot in the ballot box shall be closed and sealed by the chairperson of the electoral committee within sight of the voters present. During the move to the next location, the chairperson shall hold the key with which the ballot box was locked. When the mobile polling station arrives at its new location, the ballot box shall be opened by the chairperson within sight of the voters present.

4. Section J 1, subsection 4 shall apply *mutatis mutandis*.

Section J 5
Except in the cases referred to in chapters K, L and M, voters shall cast their votes in a polling station of their choosing in the municipality where they were registered to vote on nomination day.

Section J 6

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

§ 2 Voting pass

Section J 7
At least fourteen days before polling day each voter who is qualified to vote shall receive a voting pass from the mayor of the municipality where he was registered as a voter on nomination day. Every voting pass shall bear a serial number. Our Minister shall establish a model for the voting pass by ministerial order. Our Minister shall provide the municipal council with the information needed to produce the voting pass in good time before the election.

Section J 7a
1. There shall be a register of invalid voting passes. The day before polling day, the mayor shall produce an extract from the register listing the invalid voting passes in his municipality.

2. A voting pass shall be invalid if:
(a) a voter's pass or certificate of authorisation has been issued by the mayor in its stead;
(b) it has been replaced by a new voting pass pursuant to section J 8;
(c) its holder has been issued with a postal vote certificate pursuant to Chapter M;
(d) its holder should not be registered as a voter or has died before casting his vote;
(e) it has been established that the voting pass has been stolen or is otherwise unlawfully in circulation.

3. The details to be contained in the register and the extract as referred to in subsection 1 shall be determined by or pursuant to order in council.

Section J 8
1. A voter who is qualified to take part in the election but whose voting pass has been mislaid or who has not received a pass shall, at his request, be issued with a new voting pass by the mayor.

2. A voter shall make a written or verbal request to this effect to the mayor.

3. A request to the mayor as referred to in subsection 1 may be made no later than the second-last working day before polling day. Notwithstanding the previous sentence, the mayor may decide that requests may be received on the last working day before polling day. The mayor shall publicly announce any extension to the time limit at least fourteen days before polling day. The time limit for a request shall be stated on the voting pass.

4. When requesting a new voting pass the applicant shall provide a copy of an identity document as referred to in section 1 of the Compulsory Identification Act.

5. No new voting pass shall be issued to persons whose original voting pass is invalid on the basis of section J 7a.

Section J 9
The mayor shall bring the lists of candidates to the attention of the voters in a manner to be determined by order in council.

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Section J 10
Every employer is obliged to ensure that all the voters in his employ have an opportunity to cast their votes if they cannot do so outside fixed working hours and provided that the voters are not as a result prevented from working for more than two hours.

§ 3 The electoral committee

Section J 11
1. The chairperson and the members of the electoral committee and the persons who assist the electoral committee at its polling station who are taking part in the election in a different municipality to the one in which they are registered to vote may, if they are eligible to vote for the assembly for which the election is being held, cast their votes either at the polling station in question or, if they so choose, at a polling station within the municipality in which they are registered to vote.

2. The casting of their votes shall be mentioned in the official report.

3. This section does not apply to municipal council elections.

Section J 12
1. The chairperson and two members of the electoral committee shall always be present while the polling station is open.

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 chairperson, the second member shall act as chairperson, and in his absence the third member.

4. In the absence of a member, his place shall be taken by an alternate member designated by or on behalf of the municipal executive.

5. If no alternate member is available, the chairperson shall request one of the voters whom he considers suitable and who is present at the polling station to act as such until one does become available.

6. The changes in the composition of the electoral committee and the time of the changes shall be noted in the official report.

Section J 13
If there is a tied vote when the electoral committee takes a decision, the chairperson shall have the casting vote.

Section J 14
The members of the electoral committee shall give no indication 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 that votes are cast in secret.

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Section J 16
1. The polling station shall contain a table for the electoral committee, a ballot box and one or more polling booths.

2. The entrance to the polling booths must be visible to the public.

3. Each polling booth shall contain a set of instructions for the voter. A model for the instructions shall be established by ministerial order.

4. The table for the electoral committee shall be placed in such a way that the voters can observe the activities of the electoral committee.

Section J 17
1. The extract from the register of invalid voting passes shall be placed on the table in front of the electoral committee. The mayor shall ensure that every electoral committee has a copy of the extract.

2. Each electoral committee shall have a copy of the statutory regulations governing voting.

Section J 18
1. The ballot box, manufactured 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 responsible for the task referred to in section J 26, subsection 3.

2. The electoral committee shall close the ballot box well before the start of polling, after having made sure 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. Using ballot papers to be used for the election, voters may make a choice from the candidates for whom votes may be cast. The lists of candidates shall be brought to the attention of the voters in a manner to be determined by order in council. The ballot papers shall bear the signature of the chairperson of the principal electoral committee, the name of the representative assembly for which the election is being held and an indication of the electoral district.

2. A model for the ballot papers shall be established by ministerial order.

Section J 21
1. The mayor of the municipality where the principal electoral committee is based shall ensure that both the ballot papers and the official report forms for all municipalities belonging to the electoral district are ready in good time.

2. He shall send one or more sealed packets containing the necessary ballot papers and official report forms to the mayor of each municipality belonging to the electoral district. 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.

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Section J 22
1. The mayor shall ensure that the necessary ballot papers and official 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 Voting procedure

Section J 24
1. A person may vote only if he is entitled to do so and provided:
(a) the chairperson of the electoral committee has established the person's identity on the basis of a document as referred to in section 1 of the Compulsory Identification Act;
(b) he is in possession of the voting pass sent to him or issued to him pursuant to section J 8, or a voter's pass or certificate of authorisation.

2. A person's identity may also be established as referred to in subsection 1(a) by means of a copy of an official report of a missing identity document made under oath by an investigating officer of the Dutch, Netherlands Antillean or Aruban police, together with a document bearing the name and photograph of the person entitled to vote.

Section J 25
1. The voter shall hand the identity document as referred to in section J 24, subsection 1(a) and the voting pass to the chairperson of the electoral committee.

2. If the chairperson establishes that the voter does not possess a valid identity document, the voter shall not be allowed to vote.

3. If, in the opinion of the chairperson, the voter is in possession of a valid identity document, the chairperson shall check the authenticity of the voting pass.

4. If the electoral committee establishes that the voting pass is not authentic, the chairperson shall retain it and the voter shall not be allowed to vote.

5. If the voting pass is authentic, the chairperson shall clearly state the serial number printed on the voting pass.

6. The second member of the electoral committee shall check whether the serial number on the voting pass appears in the extract from the register of invalid voting passes referred to in section J 7a, subsection 1, second sentence. If the serial number does appear in the extract, the second member of the electoral committee shall retain the voting pass and the voter shall not be allowed to vote.

7. If the serial number on the voting pass does not appear in the extract from the register of invalid voting passes, the chairperson shall check whether the details in the identity document correspond to those on the voting pass. If the chairperson establishes that this is not the case, the second member of the electoral committee shall retain the voting pass and the voter shall not be allowed to vote.

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8. If the voter is in possession of both a valid identity document and a valid voting pass, and the identity details in the two documents correspond, the second member of the electoral committee shall retain the voting pass and the voter shall be allowed to vote.

9. The chairperson shall then hand the voter a ballot paper.

10. The chairperson shall keep a record of the number of voters that have not been allowed to vote, the number of voting passes submitted and the number of ballot papers issued.

11. The electoral committee shall render unusable any voting passes that have been retained pursuant to this section on the grounds that they are not authentic.

Section J 26
1. After receiving the ballot paper, the voter shall proceed to a polling booth and cast his vote there by colouring red a white spot opposite 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 voter puts the ballot paper into the ballot box.

Section J 27
1. If a voter makes a mistake when completing his ballot paper, he shall return it to the chairperson. 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 chairperson in a manner to be determined by order in council.

Section J 28
If the electoral committee observes that a voter requires help because of his physical condition, it shall allow him to avail himself of assistance.

Section J 29
If a voter refuses to put the ballot paper in the ballot box, the chairperson shall make a note accordingly. If a ballot paper is returned, it shall be immediately rendered unusable by the chairperson in a manner to be determined by order in council.

Section J 30
As soon as the period specified for polling has expired, this shall be announced by the chairperson and only the voters present at that moment in the polling station or at the entrance thereof shall still be allowed to vote.

Section J 31
Further rules governing voting procedure may be made by order in council.

§ 7 [Repealed on 1 January 2010]

Sections J 32-J 34 [Repealed on 1 January 2010]

§ 8 Order in the polling station

Section J 35

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1. Voters are entitled to be present in the polling station while the electoral committee is in session, provided they do not create a disturbance or hinder the progress of the session.

2. The voters present in the polling station may make verbal objections if voting does not take place in accordance with the law.

3. The objections shall be recorded in the official report of the session of the electoral committee.

Section J 36
No activities shall be undertaken in the polling station which are intended to influence the voters in their choice.

Section J 37
The chairperson shall be responsible for maintaining order during the session. He may request the mayor for assistance for this purpose.

Section J 38
1. If circumstances arise in or near the polling station which, in the opinion of the electoral committee, make the proper conduct of the session impossible, the chairperson shall make a statement to this effect. The session shall then be suspended. The chairperson shall immediately notify the mayor accordingly. The mayor shall then decide when and where the session will be resumed.

2. Further rules on this shall be made by or pursuant to order in council.

§ 9 Observers

Section J 39
1. To implement a treaty or international agreement, Our Minister of Foreign Affairs may permit persons to witness the course of elections as observers.

2. Observers are entitled to be present in polling stations while the electoral committee is in session.

3. Further rules on the monitoring of elections may be made by or pursuant to order in council.

CHAPTER K
Voting in another municipality using a voter's pass

Section K l
In accordance with the provisions of this chapter voters shall be permitted, at their request, to vote at a polling station of their choice in a municipality other than that in which they are registered, within the area governed by the assembly for which the election is being held.

Section K 2
The provisions of section K 1 shall not apply to a voter who has been allowed, at his request, to vote by proxy or post.

Section K 3
1. A voter who wishes to avail himself 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

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accordance with the provisions of section K 10 to this effect to the mayor of the municipality where he was registered as a voter on nomination day.

2. On nomination day the mayor shall publicly announce that an application as referred to in subsection 1 must be made in writing no later than 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. A declaration that his application has been granted, known as a voter's pass, shall be sent or delivered to the voter.

2. A voter to whom a voter's pass has been sent or delivered may only take part in the election with this pass.

3. No new voter's pass shall be sent or delivered to a voter whose pass has been mislaid.

Section K 5 [Repealed on 1 January 2010]

Section K 6
1. A written application to the mayor as referred to in section K 3, subsection 1 may be made no later than the fourteenth day before polling day. If the voter has already received a voting pass, he should enclose it with the application.

2. The application should be made on a form which can be obtained free of charge from the clerk's office of every municipality.

3. A model for the form shall be established by ministerial order.

Section K 7
A voter who has his actual place of residence outside the Netherlands shall, if he wishes to vote at a polling station of his choice using a voter's pass, submit a written application to this effect to the mayor of The Hague together with the request for registration referred to in section D 3. For the application use shall be made of a form included in the form referred to in section D 3, subsection 9.

Section K 8
1. A decision shall be taken by the mayor or by the official designated by him for this purpose as soon as possible after receipt of the application.

2. The application shall be refused only if the applicant was not registered as a voter on nomination day, if he has been given permission to vote by proxy in accordance with division 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 on the application, after which it shall immediately be sent back to the applicant.

4. Section D 9 shall apply *mutatis mutandis* to a decision as referred to in this section.

Section K 9
The decision to grant the application shall be stated on the applicant's voting pass, using the appropriate form on the pass.

Section K 10

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1. An oral application as referred to in section K 3, subsection 1, may be made after receipt of the voting pass, but no later than on the fifth day before polling day, by the voter in person at the clerk's office of the municipality where he was registered as a voter on nomination day.

2. When making the application, the voter shall submit the voting pass sent to him pursuant to section J 7 or issued to him pursuant to section J 8.

3. A decision on an application as referred to in subsection 1 shall be taken immediately by the mayor or the official designated by him for this purpose.

4. The application shall be refused only if the applicant was not registered as a voter on nomination day, if he was given permission to vote by proxy in accordance with division 2 of chapter L, or if he was authorised to vote by post.

5. The decision to grant the application shall be stated on the applicant's voting pass, using the appropriate form on the pass.

Section K 11
1. When voting the voter shall hand the voter's pass to the chairperson of the electoral committee.

2. The second member of the electoral committee shall note that the voter has presented himself, by initialling the voter's pass.

3. Section J 25, subsections 2 to 11 shall apply *mutatis mutandis*.

Sections K 12-K 13 [Repealed on 1 January 2010]

CHAPTER L
Voting by proxy

§ 1 General provisions

Section L 1
A voter who does not expect to be able to vote in person 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 division 2 or by the submission of a voting pass in accordance with the provisions of division 3 of this chapter.

2. A written application to vote by proxy may not be made by a voter who has been issued with a voter's pass or postal vote certificate.

Section L 3
The proxy may vote by virtue of the authorisation only at the same time as he casts his own vote.

Section L 4
A voter may not accept more than two designations as proxy.

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Section L 5
1. The person issuing a written authorisation shall not be entitled to withdraw it once it has been given or to vote in person after issuing it.

2. The person issuing an authorisation by transferring the voting pass to another person may withdraw the authorisation at any time until a vote is cast by proxy.

3. A written application to vote by proxy may be withdrawn unless a 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 mayor shall publicly announce on nomination day that voters may submit an application as referred to in section L 8 no later than the fourteenth day before polling.

Section L 8
1. A voter who wishes to vote by proxy shall apply in writing to the mayor of the municipality where he was registered as a voter on nomination day, no later than the fourteenth day before polling. This application shall be made using a form which is available free of charge at the clerk's office of every municipality. To prevent abuse, the mayor may impose limitations on such availability. He shall publicly announce any decision to this effect.

2. The voter shall designate a proxy in his application. Only a person who was registered on nomination day as a voter within the area covered by the election may act as a proxy.

3. The application shall be accompanied by a declaration by the proxy that he is prepared to act as such and, if the proxy is not registered as a voter in the same municipality as the person issuing the proxy, a declaration issued by the municipal executive of the municipality where the proxy is registered as a voter that the latter was registered on nomination day as a voter in its municipality and that the declaration of willingness to act by the proxy is in accordance with the provisions of section L 4.

4. Models for the application and the declaration shall be established by ministerial order.

5. A declaration referred to in subsection 3 by the municipal executive of the municipality in which the proxy is registered as a voter shall not be required if the person issuing the authorisation has his actual place of residence outside the Netherlands.

Section L 9
A voter who has his actual place of residence outside the Netherlands shall, if he wishes to vote by proxy, submit a written application to this effect to the mayor of The Hague at the same time as the request for registration referred to in section D 3. Application shall be made using a form included in the form referred to in section D 3, subsection 9.

Section L 10
The application shall be refused if:

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(a) it is found that the voter did not himself designate the proxy;
(b) the voter who submitted the application has already been issued with a voter's pass or a postal vote certificate;
(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 a voter within the area covered by the election.

Section L 11
1. A decision shall be taken by the mayor, or the official designated by him for this purpose, as quickly as possible after receipt of the application but not before nomination day.

2. If the request is granted, a certificate of authorisation shall be drawn up. A model for this certificate shall be established by ministerial order. The person issuing the authorisation shall be notified accordingly.

3. If the request cannot be processed or must be refused, the decision and the reason for it shall be stated on the application. The application 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 decision as referred to in this section.

Section L 12
The mayor shall note the names of the voters who have accepted designation as a proxy.

Section L 13
The mayor shall send the certificate of authorisation to the proxy.

§ 3 Authorisation by the transfer of the voting pass to another voter

Section L 14
1. A voter may authorise another voter who is registered as a voter in the same municipality as himself on nomination day to vote on his behalf at a polling station in that municipality.

2. To this end he shall sign the form on the voting pass and have the pass countersigned by the proxy.

3. He shall then hand to the proxy the voting pass that has thus been converted into a certificate of authorisation.

Sections L 15-L 16 [Repealed on 1 January 2010]

§ 4 Voting by the proxy

Section L 17
1. The proxy shall hand the certificate of authorisation to the chairperson of the electoral committee.

2. In the case of a certificate of authorisation as referred to in division 3 of Chapter L, the proxy shall also hand over a copy of an identity document as referred to in section J 24 relating to the person issuing the proxy.

3. Section J 25, subsections 2 to 11 shall apply *mutatis mutandis*.

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CHAPTER M
Voting by post

§ 1 General provisions: postal voting in the municipality of The Hague

Section M 1
In an election to the House of Representatives, a voter 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 voter as proof that his request has been granted shall be called a postal vote certificate.

2. A postal vote certificate sent to the voter may not be replaced by a new one.

3. No voting pass shall be issued to a voter to whom a postal vote certificate has been sent. He may vote only in the manner specified in section M 7.

Section M 3
1. A voter who has his actual place of residence outside the Netherlands shall, if he wishes to vote by post, submit a written request to this effect to the mayor of The Hague at the same time as the request for registration referred to in section D 3. Other voters shall submit such a written request no later than the twenty-eighth day before polling to the mayor of the municipality where they are registered to vote. The request shall include an address outside the Netherlands at which the voter wishes to receive the documents referred in section M 6, subsection 1.

2. For the request referred to in subsection 1, first sentence, use shall be made of a form included in the form referred to in section D 3, subsection 9.

3. For the request referred to in subsection 1, second sentence, use shall be made of a form available free of charge from the clerk's office of each municipality. A model of the form shall be established by ministerial order.

Section M 4
1. A decision shall be taken by the mayor, or the official designated by him for this purpose, as quickly as possible after receipt of the request.

2. The request shall be refused only if it is found that the applicant is not a voter as 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 entered on the request, which shall then be immediately returned.

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

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5. Section D 9 shall apply *mutatis mutandis* to a decision as referred to in this section.

Section M 5 [Repealed on 1 January 2010]

Section M 6
1. The mayor of The Hague shall send the voter the following as quickly as possible in a manner to be determined by order in council:
(a) a ballot paper;
(b) a return envelope addressed to the mayor;
(c) the postal vote certificate containing a declaration to be signed by the voter that he has personally completed the ballot paper;
(d) an envelope in which to seal the ballot paper;
(e) a set of instructions for the voter.

2. Models for the documents referred to in subsection 1 (b), (c), (d) and (e) shall be established by ministerial order.

Section M 7
1. The voter shall cast his vote on the ballot paper sent to him by colouring red a white spot opposite 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 and put it in the envelope intended for that purpose.

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 postal vote certificate and the envelope containing the ballot paper in the accompanying return envelope and send it sealed to the mayor of The Hague or to the head of the consular mission within whose area his place of residence or abode is located, who will ensure that it is forwarded as quickly as possible to the mayor of The Hague.

5. The voter shall ensure that the return envelope is adequately stamped.

Section M 8
1. The documents referred to in section M 7, subsection 4, should be in the possession of the mayor of The Hague no later than 15.00 hours on polling day.

2. The mayor shall ensure that return envelopes which are received in time and are adequately stamped are handed over unopened to the chairpersons of the electoral committees referred to in section M 9 before 21.00 hours on polling day.

3. The day and, if it is polling day, the time of arrival shall be noted by the mayor on return envelopes that arrive too late. These envelopes and return envelopes which are not adequately stamped shall be placed by the mayor 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 mayor unopened in one or more sealed packets. The number of return envelopes or the number of ballot papers and postal vote certificates contained in each packet shall be noted on it.

4. The mayor 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 decision

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has been taken on the admission of those elected. An official report on the destruction shall be drawn up.

Section M 9
1. The municipal executive of The Hague shall designate electoral committees and polling stations which are exclusively intended for postal votes. Section J 11 and section J 16, where the latter relates to polling booths, shall not apply to these polling stations.

2. Notwithstanding section J 1, the municipal executive may provide that these electoral committees shall also be in session on days in the period between the thirty-sixth and the forty-second day after nomination day, at times to be determined by the municipal executive, to perform the procedures referred to in sections M 10 and M 11. In that event, notwithstanding section M 8, subsection 2, the mayor shall ensure that the adequately stamped return envelopes are handed to the chairperson of the electoral committee on those days.

3. If the municipal executive of The Hague has availed itself of the power referred to in subsection 2, these electoral committees shall not commence the procedures referred to in sections M 10 and M 11 until the electoral committee has completed the count, in accordance with section N 16a, subsection 1, of the ballot papers found in the ballot box at the start of polling day.

4. Notwithstanding section J 1, subsection 2, voting shall end on polling day as soon as the postal vote electoral committees have completed the procedures referred to in sections M 10 and M 11 in respect of all the return envelopes received on time.

5. Further rules shall be made by order in council on the sessions referred to in subsection 2 and the safekeeping of ballot papers.

6. The requests referred to in section M 4, subsection 4 shall be placed on the tables of these polling stations instead of the extract referred to in section J 17, subsection 1.

Section M 10
1. The chairperson of the electoral committee shall open the return envelope and take out the postal vote certificate and the envelope containing the ballot paper. He shall check whether the declaration that the voter has completed the ballot paper personally has been signed and whether the signature under it corresponds to the signature under the request 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 request to show that the voter has cast his vote.

3. The chairperson shall then hand the envelope containing the ballot paper unopened to the third member of the electoral committee. If the ballot paper is not in the envelope intended for that purpose, the chairperson shall 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 place the envelope containing the ballot paper in the ballot box. If the ballot paper is not in the envelope intended for that purpose, the third member of the electoral committee shall put the folded ballot paper, without examining it, in the ballot box.

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Section M 11
1. If the return envelope does not contain both a valid postal vote certificate and a ballot paper or the envelope containing the ballot paper referred to in section M 6, subsection 1 (d), or if the declaration by the voter on the postal vote certificate that he has completed the ballot paper personally has not been signed, the chairperson shall put the relevant papers back into the return envelope without examining the ballot paper or opening the envelope containing the ballot paper, and shall set the envelope aside, after having sealed it.

2. If two or more ballot papers or envelopes containing ballot papers are sent in one return envelope, the chairperson shall put all the ballot papers or envelopes containing ballot papers and postal vote certificates back into the return envelope without examining the ballot papers or opening the envelopes containing ballot papers, and shall set the envelope aside, after having sealed it.

Section M 12
Further rules on postal voting may be made by order in council.

§2 Postal voting outside the Netherlands

Section M 13
1. Our Minister of Foreign Affairs may, in consultation with our Minister of the Interior and Kingdom Relations, designate a Dutch diplomatic or consular mission where an electoral committee/polling station shall be established for postal voting. Notification of such designation shall be made in the Government Gazette.

2. An electoral committee/polling station for postal voting may also be established for persons entitled to vote who have their actual place of residence in a country other than the country in which the diplomatic or consular mission of the Netherlands is established.

3. In the Netherlands Antilles and Aruba, Our Minister of the Interior and Kingdom Relations shall establish electoral committees/polling stations for postal voting at the Dutch representation.

4. The members and alternate members of the postal vote electoral committees referred to in subsections 1 and 3 shall be appointed well before each election by Our Minister of Foreign Affairs or Our Minister of the Interior and Kingdom Relations.

Section M 14
The mayor of The Hague or an official designated by him for this purpose shall forward by diplomatic post, as soon as possible, all the requests that have been granted from persons who have their actual place of residence in a country as referred to in section M 13 or who will be residing in such a country on polling day to the head of the Dutch diplomatic or consular mission designated pursuant to section M 13, subsection 1 in the country in question or to the representative of the Netherlands in the Netherlands Antilles or Aruba.

Section M 15
A voter who casts a postal vote at a Dutch diplomatic or consular mission abroad or at the Dutch representation in the Netherlands Antilles or Aruba shall receive from the mayor of The Hague a return envelope addressed to the chairperson of the postal vote electoral committee established there. After having completed the procedures referred to in section M 7, he shall send the return envelope to the said chairperson.

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Section M 16
1. The tasks with which the mayor is charged in section M 8, subsections 1 to 3, shall be performed by the head of the Dutch diplomatic or consular mission in the country in question or by the representative of the Netherlands in the Netherlands Antilles or Aruba.

2. In the event of a time difference with the Netherlands, the times referred to in section M 8, subsections 1 and 2 shall apply in local time.

Section M 17
Our Minister of Foreign Affairs or Our Minister of the Interior and Kingdom Relations may provide that polling stations outside the Netherlands may open at a time later than that referred to in section J 1, subsection 2.

CHAPTER N
The count by the electoral committee

§ 1 General provisions

Section N 1
1. Immediately after voting has ended, the electoral committee shall determine:
(a) the number of voters who presented themselves;
(b) the number of ballot papers issued;
(c) the number of voters who 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;
(f) the number of authorisations used to cast a proxy vote.

2. The numbers referred to in subsection 1 shall be announced to the voters present by the chairperson.

Section N 2
1. The electoral committee shall place the documents listed at (a) to (d) below in packets. Each packet shall contain a certified declaration by the electoral committee concerning the number of documents in the packet in question. The packets shall then be sealed. The following documents shall be packaged in this way:
(a) the invalid voting passes and certificates of authorisation, rendered unusable and accompanied by the electoral committee's records relating to them;
(b) the voting passes and certificates of authorisation that contain insufficient authenticating features, rendered unusable and accompanied by the electoral committee's records relating to them;
(c) the other voting passes;
(d) the other certificates of authorisation and voter's passes.

2. Finally, the following shall be packaged in the same way:
(a) the unused ballot papers;
(b) the ballot papers returned and rendered unusable.

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 voters who voted.

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Section N 5
The members of the electoral committee shall open the ballot papers and sort them by list. They may be assisted in this work by alternate members and by officials of the municipality designated for this purpose by the municipal executive.

Section N 6
1. 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).

2. The electoral committee shall also determine:
a. the number of blank votes;
b. the number of invalid votes.

Section N 7
1. A blank vote is one cast on a ballot paper on which the voter has not coloured the white spot in the box entirely or partly red and has not written or drawn anything else.

2. An invalid vote is one cast on a ballot paper other than those which may be used in accordance with provisions laid down by or pursuant to this Act.

3. A vote which is not regarded as a blank vote but which has been cast by means of a ballot paper on which the voter has not indicated unequivocally for which candidate he has voted, by colouring the white spot in the box entirely or partly red, or a ballot paper to which additions have been made from which the voter can be identified shall also be invalid.

Section N 8
1. The electoral committee shall decide on the validity of the ballot papers, having regard to section N 7.

2. The chairperson shall immediately make known the reason for a declaration of invalidity and any doubts about validity, and the decision taken thereon.

3. A ballot paper must be revealed if one of the voters present so wishes. The voters may object verbally to a decision.

Section N 9
1. Immediately after the votes have been counted, the chairperson shall announce in respect of each list both the number of votes cast for each candidate and the total number of votes cast. He shall also announce the number of blank and invalid votes cast. Verbal objections may be made by the voters present.

2. Thereafter the ballot papers bearing blank votes and the ballot papers declared invalid shall be placed in packets, which shall then be sealed. On these packets shall be stated:
(a) the name of the municipality and the number of the polling station;
(b) the number of ballot papers that the packet contains.

3. Subsequently, the valid ballot papers, arranged by list, shall be placed in one or more packets, which shall then be 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 polling station;

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(b) the number of ballot papers that the packet contains, and if the ballot papers have been placed in more than one packet, the numbers of the lists to which the enclosed ballot papers relate.

Section N 10
1. After all the procedures referred to in section N 9 have been completed, an official report shall immediately be drawn up on the voting and the count. All the objections made shall be mentioned in the official report.

2. The official report shall be signed by all the members of the electoral committee present.

3. A model for the official report shall be established by ministerial order.

Section N 11
1. The official 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 chairperson or another member of the electoral committee designated by him to the mayor or an official designated by him.

2. After the mayor has received an official report from all the electoral committees situated in his municipality, he shall determine how many votes have been cast in his municipality for each candidate and each list.

3. The mayor shall also determine the number of blank votes cast.

4. The mayor of The Hague shall, in connection with the determination referred to in subsections 2 and 3, state separately the number of postal votes cast for each candidate and each list.

4. The determination referred to in subsections 2 and 3 shall be made on a form for which a model shall be established by ministerial order.

Section N 12
1. The mayor shall ensure that the official reports, together with a statement of the numbers of votes determined by him, are taken immediately to the chairperson of the principal electoral committee.

2. The mayor shall ensure that the sealed packets containing ballot papers referred to in section N 9 are immediately taken to the chairperson of the principal electoral committee, at the latter's request, and that the sealed packets not taken to the central electoral committee are destroyed after the central electoral committee has announced the result of the election and a decision has been taken on the admission of those elected.

3. If a public prosecutor or an examining magistrate has requested the surrender of the packets referred to in section N 2 in connection with a criminal investigation, these packets shall not be destroyed until the investigation is completed or, if criminal proceedings are instituted in connection with offences under the Elections Act or under articles 125 to 129 of the Criminal Code, until a final and conclusive judgment has been given.

4. An official report shall be drawn up of the destruction of the sealed packets.

Section N 13
The mayor is empowered to open the sealed packets containing the documents referred to in section N 2 and to surrender them to the public prosecutor in the interests of the

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investigation of any criminal offence after a decision has been taken on the admission to the relevant representative assembly of the members elected.

Section N 14
1. Rules governing the count in polling stations where votes have been 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 and Decrees in which it appears. The two Houses of the States General shall be notified immediately of such publication.

§ 2 Special provisions governing the count in postal voting

Section N 15
In the case of a postal vote electoral committee/polling station, the determination referred to in section N 1 shall apply to:
(a) the number of return envelopes received by the electoral committee;
(b) the number of return envelopes set aside pursuant to section M 11.

Section N 16
1. At a postal vote polling station, once section N 1, subsection 2 has been applied, the requests referred to in section M 4, subsection 4 together with a certified declaration by the electoral committee concerning the number of initials shall be placed in a packet, which shall then be sealed. The return envelopes referred to in section M 11 and the postal vote certificates submitted shall then be similarly packaged.

2. Before taking the measures referred to in section N 4, the chairperson of the postal vote electoral committee shall open the envelopes to be found in the ballot box. If an envelope is found to contain no ballot paper or more than one ballot paper, this shall be noted. If an envelope is found to contain more than one ballot paper, the chairperson of the postal vote electoral committee shall put these ballot papers back into the envelope and set it aside, after having sealed it.

Section N 16a
1. If the municipal executive of The Hague has availed itself of the power referred to in section M 9, subsection 2, it shall, notwithstanding section N 1, begin the count at 07.30 hours on polling day in respect of the ballot papers in the ballot box at that time.

2. With regard to the procedures referred to in sections M 10 and M 11, the count shall be suspended in accordance with rules to be made by order in council in respect of the unopened return envelopes. As soon as these procedures have been completed for all the return envelopes submitted on time, the count shall be resumed in accordance with rules to be made by order in council.

3. Section N 9 shall not apply until voting has finished at all the polling stations in the Netherlands. Any person who is *ex officio* in a position to know the number of votes determined is obliged to keep this information secret until the same time.

Section N 17
1. Section N 9, subsection 1 shall not apply if the count at a postal vote polling station outside the Netherlands begins earlier (by Dutch time) than in the Netherlands.

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2. In that case the head of the diplomatic or consular mission or the representative of the Netherlands in the Netherlands Antilles or Aruba shall ensure that a copy of the official report from the postal vote electoral committee shall be available for public inspection at the mission for four weeks from the following day.

Section N 18
The members of a postal vote electoral committee outside the Netherlands may be assisted by alternate members and/or persons employed at the diplomatic or consular representation or at the Dutch representation in the Netherlands Antilles or Aruba, to be designated by the chairperson of the postal vote electoral committee.

Section N 19
The name of the country in which the polling station is situated shall be stated on the packets referred to in section N 9 in respect of postal vote polling stations outside the Netherlands.

Section N 20
1. The official report of a postal vote electoral committee outside the Netherlands shall be handed, accompanied by the sealed packets referred to in sections N 2 and N 9, to the head of the diplomatic or consular mission designated pursuant to section M 13, subsection 1, or to the representative of the Netherlands in the Netherlands Antilles or Aruba.

2. The latter shall ensure that the official report is immediately faxed to the mayor of The Hague.

3. He shall also ensure that the official report and the sealed packets referred to in sections M 8, N 2 and N 16 shall be sent as quickly as possible to the mayor of The Hague by diplomatic post.

Section N 21
The mayor of The Hague shall not determine the number of votes as referred to in section N 11, subsections 2 and 3 until he has been informed by fax of all the official reports from the postal vote electoral committees outside the Netherlands.

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 meeting at 10.00 hours on the second day after polling.

2. The chairperson shall be responsible for maintaining order during the meeting.

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. The sum shall be referred to as the total vote.

2. The principal electoral committee shall also determine the number of blank votes and the number of invalid votes cast.

3. The chairperson shall announce the results thus obtained.

4. The voters present may raise verbal objections.

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Section O 3
1. After all the procedures have been completed, an official report on them shall immediately be drawn up. All objections made shall be mentioned in the report.

2. The official report shall be signed by all the members of the principal electoral committee present.

3. A model for the official report shall be established by ministerial order.

4. If the election is to a municipal council or the council of a province which forms a single electoral district, the official report shall form part of the official report referred to in section P 22.

Section O 4
1. Unless the election is to a municipal council or the council of a province which forms a single electoral district, the chairperson shall immediately arrange for a copy of the official report referred to in section O 3 to be taken to the central electoral committee and shall at the same time deposit the official report at the clerk's office of the municipality where the principal electoral committee is situated for public inspection. Availability for inspection shall cease as soon as a decision has been taken on the admission of those appointed.

2. The chairperson shall arrange for the official reports from the electoral committees, the statement referred to in section N 12, subsection 1, and, unless the election is to a municipal council or the council of a province which forms a single electoral district, a copy of the official report of the meeting of the principal electoral committee to be taken immediately to the representative assembly for which the election has been held.

Section O 5
1. The presiding officer of the assembly for which the election has been held may destroy the official reports of the electoral committees and the statements referred to in section N 12, subsection 1 after the central electoral committee has announced the result of the election and a decision has been taken on the admission of the persons elected.

2. An official report shall be drawn up of the destruction referred to in this section.

Section O 6

Further rules governing the task 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 receiving the copies of the official reports of all principal electoral committees, the central electoral committee shall begin the work of determining and announcing the result of the election. If the election is to a municipal council or the council of a province which forms a single electoral district, the central electoral committee shall do so immediately after the procedures referred to in sections O 1 and O 2 have been completed.

§ 2 The allocation of seats

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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 purposes of determining the election result.

2. The central electoral committee shall add up the total votes for 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 purposes 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 cast for the lists comprising the group.

Section P 4
1. A combined list as referred to in section I 10 shall, for the purposes 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 cast for the lists comprising the combination.

2. A combined list shall be taken into account only if at least two of the lists merged 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 cast for all the lists by the number of seats to be allocated.

2. The quotient thus obtained shall be known as the electoral quota.

Section P 6
A seat shall be awarded to a list as many times as the total vote for that list contains the electoral quota.

Section P 7
1. If the number of seats to be allocated is nineteen or more, the remaining seats, known as residual seats, shall be awarded sequentially to the lists which, after the award of the seat, have the highest average number of votes per seat awarded. If averages are the same, the matter shall be decided by lot.

2. If the election is to the House of Representatives, lists with a total vote lower than the electoral quota shall not be eligible for seats awarded in this way.

Section P 8
1. If the number of seats to be allocated is fewer than nineteen, the residual seats shall 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 the 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 the eligible lists 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 highest

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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, the list in question shall be awarded one additional seat. One seat awarded to the list which obtained a seat for the lowest average or the smallest remainder shall therefore be withheld. If two or more lists obtained a seat for an equally low average or an equally low 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 division 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 cast for the combined list by the number of seats awarded to the combined list.

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

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

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

Section P 12
1. The division 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 cast for the group of lists by the number of seats awarded to the group.

3. The quotient thus obtained shall be 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 for 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 highest remainder when divided by the group electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with the lowest remainder. If remainders are the same, the matter shall be decided by lot.

Section P 13

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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 in the combination or group containing candidates to whom no seat has been awarded.

2. If there are still seats to be allocated after subsection 1 has been applied, they shall be allocated in accordance with the system of the highest 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 meeting of the central electoral committee referred to in section P 20.

§ 3 Award of seats to the candidates

Section P 15
1. Candidates who have obtained a number of votes exceeding 25% of the electoral quota on the joint lists on which they appear shall be elected in the order of the number of votes cast for them, provided sufficient seats have been awarded to the relevant group of lists, set of identical lists not forming part of a group or separate list. If the numbers are the same, the matter shall if necessary be decided by lot.

2. If the number of seats to be allocated is lower than nineteen, half rather than 25% of the electoral quota shall be taken into account when applying subsection 1.

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, he shall be deemed to have been elected for the list or set of identical lists on which he has obtained the highest number of votes, in so far as sufficient seats have been awarded to that list or set of identical lists. If the numbers are the same, he shall be deemed to have been elected for the list submitted in the electoral district with the lowest number or for the set of identical lists to which the list submitted in the electoral district with the lowest number belongs.

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 in respect of the list or set of identical lists on which he has obtained the highest number of votes. 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 shall therefore be withheld.

Section P 17
Seats awarded to lists which do or do not form part of a group of lists or to sets of identical lists, which have not been awarded to a candidate after sections P 15 and P 16 have been applied shall be awarded to the as yet unelected candidates on the relevant lists or sets of identical 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 elected for more than one list or set of identical lists in a group of lists, he shall be deemed to have been elected for the list or set of identical lists 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 for the list or set of identical lists submitted in the electoral district with the lowest number.

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2. The seats allocated to a list or set of identical lists which have not yet been allocated to a candidate after subsection 1 has been applied shall be allocated to the as yet unelected candidates on the relevant list or set of identical lists in the order in which they appear on the list.

3. If, once subsection 2 has been applied, a candidate has again been elected for more than one list or set of identical lists, the procedure referred to in subsections 1 and 2 shall be repeated until all the seats allocated to the lists or sets of identical lists have been allocated to candidates.

Section P 18a [Repealed on 01-12-2008]

Section P 19
1. The central electoral committee shall arrange the candidates appearing on each list or set of identical lists in the order in which they have been awarded the seats, with at the top the candidates to whom a seat has been allocated pursuant to section P 15.

2. These shall be followed, in the order of the number of votes cast for them, by the candidates appearing on the list or set of identical lists who have obtained more than 25% or half of the electoral quota on the joint list on which they appear but who have not been declared elected in accordance with section P 15, subsection 1 or 2. If the numbers are equal, the matter shall be decided by the order in which they appear on the list.

3. Finally, the other candidates appearing on the list or set of identical lists shall be arranged in the order of the list.

4. Section P 18 shall not apply to the arrangement of the candidates in order.

5. Except in an election to a municipal council with nine or eleven members, this need not be done in respect of lists or sets of identical 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.

Section P 19a
If a candidate has died, he shall not be considered for the purposes of this division.

§ 4 Publication of the election result

Section P 20
1. The central electoral committee shall determine the result of the election as quickly as possible. The result shall be determined and announced at a public meeting of the central electoral committee.

2. The time and date of the meeting shall be announced in good time by the chairperson of the central electoral committee. The manner of the announcement shall be regulated by order in council.

3. The voters present may raise verbal objections.

4. The chairperson of the central electoral committee shall be responsible for maintaining order during the meeting.

Section P 21

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1. At the meeting referred to in section P 20, before the result of the election is announced, the central electoral committee may decide, either *ex proprio motu* or in response to a reasoned request from one or more voters, to conduct a re-count of the ballot papers from all or from one or more polling stations if there are serious grounds for suspicion that errors in the count that might affect the allocation of seats have been made by one or more polling stations. The mayor who has the relevant ballot papers in his possession shall have them taken immediately to the central electoral committee at the latter's request.

2. On receipt of the ballot papers, the central electoral committee shall immediately start the re-count. It shall be empowered to open the sealed packets and to compare the contents with the official 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 procedures have been completed, an official report of them shall be drawn up immediately. The official report shall include the result of the election and all the objections made.

2. The official report shall be signed by all the members of the central electoral committee who are present.

3. A model for the official report shall be established by ministerial order.

Section P 23
1. The chairperson of the central electoral committee shall announce the result of the election of the members of the House of Representatives as quickly as possible by placing a copy of the official report in the Government Gazette.

2. The chairperson 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 official report at the provincial clerk's office or the municipal clerk's office for public inspection. Public notice of the deposit for inspection shall at the same time be given by the King's Commissioner or the mayor. The deposit for inspection shall end as soon as a decision has been taken on the admission of the members elected.

Section P 24
The chairperson of the central electoral committee shall send a copy of the official report to the representative assembly to which the election was held.

Section P 25
The chairperson of the central electoral committee shall ensure the safekeeping of the sealed packets containing ballot papers that have been transferred to the central electoral committee pursuant to section P 21, subsection 1. He shall not destroy these packets until a decision has been taken on the admission of the members appointed. An official report shall be drawn up of such destruction.

PART III
Election of the members of the Senate of the States General

CHAPTER Q
General provisions

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Section Q I
1. The members of the Senate shall be elected by the members of the provincial councils.

2. The members of the provincial councils shall meet in each province to cast their votes.

Section Q 2
1. The members of the Senate shall be elected for a term of four years.

2. They shall retire simultaneously on the Tuesday between 7 and 13 June in the year in which the members of the provincial councils are elected.

3. If the first meeting of the Senate 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 Senate to fill a vacancy shall retire at the time at which the person in whose place he was appointed would have had to retire.

Section Q 4
Nominations for an election to the Senate shall take place on the Tuesday between 19 and 25 April.

Section Q 5
In the event of the dissolution of the Senate, 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.

Section Q 6
1. The registration of an appellation of a political grouping for an election to the House of Representatives, as referred to in section G 1, shall also apply to an election to the Senate.

2. A political grouping which is an association with full legal competence, whose appellation has not been registered for an election to the House of Representatives, may request the central electoral committee for the election to the Senate in writing 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 received after the forty-third day before nomination shall not be considered for the next election.

3. Subsections 2 to 7 of section G 1 shall apply *mutatis mutandis*, provided that, for the purposes of subsection 7 (d), ‘the House of Representatives’ is read as ‘the Senate’ and ‘subsection 2 or 3 of section H 3’ is read as ‘subsection 1 or 2 of section R 7’.

4. Apart from the grounds referred to in section G 1, subsection 4, a request to register the appellation of a political grouping for an election to the Senate shall be rejected if the appellation is identical with or very similar to an appellation of another political grouping that has already registered for the election to the House of Representatives, or an appellation in respect of which a registration request for the election to the House of Representatives has been received earlier or on the same day, creating the risk of confusion.

CHAPTER R
Submission of lists of candidates

Section R 1

Auteursrecht vertalingen voorbehouden.
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1. Lists of candidates may be submitted in person to the King's Commissioner or a member of the provincial executive designated by the executive between 09.00 and 17.00 hours.

2. When and where the forms for the lists of candidates may be obtained, free of charge, by members of the provincial council shall be regulated by order in council. A model for the form shall be established by ministerial order.

Section R 2
Each list of candidates shall be signed by at least one member of the provincial council. No member may 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 named on the list who are qualified, in the absence of the person submitting 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. No one list may include the names of more than fifty candidates. In the case of a political grouping whose appellation appeared at the top of a list of candidates to which more than fifteen seats were awarded at the last election of members of the representative assembly in question, the number of names that may appear on the same list may not exceed eighty. The provisions of the previous sentence shall apply *mutatis mutandis* to combined appellations of two or more groupings.

Section R 5
The name of a candidate may not appear on more than one of the lists submitted 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 referred to in section G 1, subsection 3 (d) or section Q 6, subsection 3, in conjunction with section G 1, subsection 3 (d), may authorise the person submitting the list of candidates 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.

2. The person who submits 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 elections to the Senate or House of Representatives, if he has been authorised to do so by the agents of the various groupings. A declaration evidencing this power shall be submitted with the list. An appellation formed in this way may not contain more than 35 letters or other characters.

3. When and where forms for the declarations relating to the placing of appellations of political groupings at the top of lists of candidates may be obtained, free of charge, shall be regulated by order in council. A model for the form shall be established by ministerial order.

Section R 8

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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. A declaration of consent may not be retracted once submitted.

3. The list shall be accompanied by valid proof of identity for every candidate who is not a member of the Senate. If valid proof of identity for a particular candidate is absent, the declaration of consent of the candidate concerned shall be considered to be absent.

4. When and where the forms for the declarations of consent may be obtained, free of charge, shall be regulated by order in council. A model for the form shall be established by ministerial order.

4. If the candidate is outside the Netherlands, the declaration need not be made on a particular form.

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 the latter's name, initials, and address. If the candidate appears on more than one list, the same agent must be designated in each declaration. This agent shall be empowered, in the candidate's place, to conduct the procedures referred to in section V 2, subsections 1, 4 and 5, section V 3, subsections 1 and 3, and section W 2, subsection 1 (f).

2. A candidate shall be entitled to cancel an authorisation given in accordance with subsection 1. He shall notify the chairperson of the central electoral committee of this in writing, if necessary designating a new agent.

Section R 9a
1. A candidate resident in the Netherlands may designate, in the declaration of consent, an agent resident in the Netherlands, stating the latter's name, initials and address. If the candidate appears on more than one list, the same agent shall be designated in each declaration. The agent is empowered, in the candidate's place, to perform the procedures referred to in section V 2, subsections 1, 4 and 5, section V 3, subsections 1 and 2, and section W 2, subsection 1 (e).

2. This authorisation may be used only to ensure that candidates on the political grouping's joint lists are declared appointed in the order established by the said grouping before polling day.

3. If the appointment precedes the first meeting of the newly elected assembly, the authorisation may not be used for candidates who have obtained a number of votes on the joint lists on which they appear which exceeds half of the electoral quota.

4. The political grouping shall communicate the order referred to in subsection 2 to the central electoral committee no later than two weeks after nomination day. The chairperson of the central electoral committee shall ensure that the order is published in the Government Gazette as soon as possible.

5. Section R 9, subsection 2 shall apply *mutatis mutandis*.

Section R 10
1. Lists of candidates submitted in different provinces on which the same candidates appear in the same number and the same order shall together form a set of identical lists.

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2. Lists of candidates at the top of which the same appellation of a political grouping appears or on which the first candidate is the same shall together form 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 R 11
1. The King's Commissioner or a member of the provincial executive designated by the executive for this purpose shall supply the person submitting the list with proof of receipt and shall immediately deposit the lists lodged with him at the provincial clerk's office for public inspection.

2. On the second day after nomination day the King's Commissioner shall place the lists in a packet, seal it and affix a declaration on the cover that it contains the lists of candidates submitted. The declaration, which shall be signed by the Commissioner, shall state the number of lists submitted.

3. Once sealed, the packet shall immediately be taken to the chairperson of the central electoral committee.

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

§1 Examination of the lists of candidates

Section S 1
1. There shall be a central electoral committee for an election to the Senate. The Electoral Council shall act in this capacity.

2. The central electoral committee shall meet 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 the person who submitted the list, by registered letter or receipted delivery, that:
(a) 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) a candidate has not been described in accordance with the provisions of section R 6;
(c) there is no declaration that the candidate consents to his nomination on the list;
(d) a candidate whose place of residence is situated outside the Netherlands has not designated an agent in his declaration of consent;
(e) there is no declaration as referred to in section R 7.

4. The person who submitted the list may rectify the omission or omissions specified in the notification by presenting himself at the Ministry of the Interior and Kingdom Relations between 09.00 and 17.00 hours, no later than the third day after the meeting referred to in subsection 2.

5. If the person who submitted the list is absent or unable to be present, 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 nomination day, the central electoral committee shall decide at a public meeting on the validity of the lists and on whether the candidates

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appearing on the list and the appellation of a political grouping placed at the top of it can be allowed to stand.

2. The chairperson of the central electoral committee shall announce the date and time of the meeting in advance in the Government Gazette.

Section S 3
A list shall be invalid if:
(a) it is not submitted in person between 09.00 and 17.00 hours on nomination day to the King's Commissioner or to the member of the provincial executive designated for this purpose:
(b) it has not been signed in accordance with the provisions of section R 2;
(c) it does not comply with the model established by ministerial order;
(d) all the candidates have been struck off it pursuant to section S 4.

Section S 4
1. The central electoral committee shall strike off 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 no declaration of consent to the nomination has been submitted;
(c) whose place of residence is situated outside the Netherlands, if no agent has been designated;
(d) who appears on more than one of the lists submitted in the same province;
(e) in respect of whom an extract from the register of deaths or a copy of a 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) there is no declaration as referred to in section R 7;
(b) the appellation appears at the top of more than one of the lists submitted to the central electoral committee by different political groupings.

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 proprio motu* to make it so correspond.

Section S 5
1. Any interested party or any voter may appeal against a decision as referred to in section S 2 to the Administrative Jurisdiction Division of the Council of State.

2. Section I 7, subsection 1, second sentence, and subsections 2 to 4 shall apply *mutatis mutandis*
.

3. The president of the Division shall immediately notify the parties and the chairperson of the central electoral committee of the judgment.

Section S 6
1. If an appeal has been instituted against a decision by the central electoral committee declaring a list invalid or striking off the name of a candidate or the appellation of a political grouping on the grounds of one or more of the omissions referred to in section S 1, subsection 3, without having first informed the person who submitted the list of the existence of such omissions in accordance with the provisions of that section, the latter may rectify the

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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 Administrative Jurisdiction Division of the Council of State shall take this into account in its judgment.

Section S 7
1. An official report shall be drawn up of the meetings referred to in sections S 1 and S 2.

2. Those present at the meeting referred to in section S 2 may make verbal objections. Mention of these objections shall be made in the report.

3. Model official reports shall be established by ministerial order.

§ 2 The merging of lists of candidates to form a combined list

Section S 8
1. Lists of candidates of different political groupings may be merged to form a combined list by the submission, between 09.00 and 17.00 hours on the third day after nomination day, to 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 an election to the Senate or House of Representatives has been registered pursuant to section Q 6 or section G 1;
(b) if the combination relates to all lists submitted for a grouping in the various provinces, and
(c) if the combination involves the same grouping or groupings in all provinces.

3. The provisions of subsection 2, chapeau 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 submitted for these groupings.

4. A model for the declaration referred to in subsection 1 shall be established by ministerial order.

Section S 9
The central electoral committee shall decide on the validity of the combined lists at the meeting 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 meeting referred to in section S 2.

Section S 11
For numbering purposes, groups of lists and sets of identical lists not forming part of a group shall be treated as single lists.

Section S 12
1. The first lists to be numbered shall be those of political groupings whose appellation appeared at the top of a list of candidates to which one or more seats were allocated at the last election to the Senate. These lists shall be numbered from 1 onwards in the order of the

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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 highest total vote. In the event of a tied vote, the matter shall be determined by lot.

2. Subsection 1 shall apply *mutatis mutandis* to cases in which the appellations of two or more groupings are combined if, at the last election to the Senate, one or more seats were allocated either to the combinations of groupings or to at least one of them. Where one or more seats were allocated to at least one of the groupings, the number of votes cast for the lists of the groupings to which the seats were allocated shall be added together for the purposes of subsection 1, second sentence.

3. The remaining groups of lists and sets of identical lists for which a list has been submitted in every province shall subsequently be numbered in an order to be determined by lot.

4. If two or more lists of candidates of the same grouping are submitted in one province, these lists shall be given a letter as well as a number.

5. If there are still lists to be numbered after subsection 3 has been applied, section I 14, subsections 4 and 5 shall be applied *mutatis mutandis*.

Section S 13
After a final decision has been taken on the validity of the lists submitted, the chairperson of the central electoral committee shall publish the lists no later than the seventh day before polling day by placing the lists, arranged by province, in the Government Gazette, stating their numbers and letters and, where appropriate, the appellations of the political groupings. 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
Voting and the count

Section T 1
Voting shall take place on the thirty-fourth day after nomination day.

Section T 2
1. The lists of candidates for whom votes may be cast shall be printed on one side of the ballot paper used in the election, with the name of the province and the signature of the presiding officer of the provincial council on the other.

2. A model ballot paper shall be established by ministerial order.

3. The presiding officer shall ensure that the requisite number of ballot papers are available in the assembly before the start of voting.

Section T 3
The presiding officer shall appoint three members from those present in the assembly of the provincial council to form the electoral committee, with himself as chairperson.

Section T 4
1. A member of the provincial council shall vote by colouring red a white spot opposite the name of the candidate of his choice.

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2. A member of the provincial council shall be permitted to vote by proxy at his request. A member wishing to exercise this right shall do so by notifying the presiding officer in writing before the start of the meeting of the provincial council at which voting will take place, 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 model notification shall be established by ministerial order.

Section T 5
After casting his vote a member of the provincial council shall hand his folded ballot paper to the chairperson.

Section T 6
1. The chairperson shall announce how many ballot papers have been lodged.

2. The vote shall be invalid if this number exceeds the number of members present in the assembly, plus the number of members present who have been authorised to cast proxy votes.

3. In that case the chairperson shall destroy the ballot papers lodged and a new poll shall take place.

Section T 7
1. The chairperson shall open the ballot papers.

2. He shall then state the list and the candidate for which each ballot paper was cast. He shall also state whether the ballot paper bears a blank or invalid vote.

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. A blank vote is one cast on a ballot paper on which the voter has not coloured the white spot in the box entirely or partly red and has not written or drawn anything else.

2. An invalid vote is one cast on a ballot paper other than those which may be used in accordance with provisions laid down by or pursuant to this Act.

3. A vote which is not regarded as a blank vote but which has been cast by means of a ballot paper on which the voter has not indicated unequivocally for which candidate he has voted, by colouring the white spot in the box entirely or partly red, or a ballot paper to which additions have been made from which the voter can be identified shall also be invalid.

Section T 9
In the event of doubt about the validity of a ballot paper the assembly shall decide. In the event of a tied vote, the presiding officer shall decide.

Section T 10
1. Immediately after the votes have been counted, the chairperson shall announce in respect of each list both the number of votes cast for each candidate and the number of votes cast for the list as a whole. The latter figure shall be referred to as the total vote. He shall also announce the number of blank and invalid votes cast.

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2. The ballot papers bearing blank votes and the ballot papers declared invalid shall subsequently be placed in packets, which shall then be sealed. On these packets shall be stated:
(a) the name of the province;
(b) the number of ballot papers contained in the packet.

3. The valid ballot papers, arranged by list, shall be placed in a packet, which shall then be sealed. On each packet shall be stated:
(a) the name of the province;
(b) the number of ballot papers contained in the packet.

Section T 11
1. After all the procedures referred to in section T 10 have been completed, an official report on the voting and the count shall be drawn up immediately.

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

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

4. A model for the official report shall be established by ministerial order.

CHAPTER U
Determination of the election result by the central electoral committee

§ 1 General provisions

Section U 1
Immediately after the official reports have been received, the central electoral committee shall begin the work of determining and announcing 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 equal to the figure 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 1/2 or more and downwards if the fraction is less than 1/2. This figure is known as the vote value.

2. The population of a province shall be taken to be the population published by Statistics Netherlands (CBS) in accordance with subsection 3 or 4.

3. For the purposes of implementing subsection 1, Statistics Netherlands shall publish in the Government Gazette the populations of the provinces for 1 January of the year in which the election is held no later than three weeks before nomination day.

4. If, in the case of dissolution of the Senate, the populations of the provinces for 1 January of the year in which the election takes place cannot be published three weeks before nomination day, the populations of the provinces for the first day of the fourth month before the month in which nomination day falls shall be published instead.

5. The central electoral committee shall determine the vote values in accordance with this section and shall publish them in the Government Gazette before polling day.

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§ 2 The allocation of seats

Section U 3
For each province the central electoral committee shall multiply the number of votes cast for each candidate and the total vote cast for the lists by the vote value for that province. In order to determine the result of the election, the products thus obtained shall serve as the numbers of votes cast for each candidate or the total votes cast for the lists.

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 for these identical lists and the number of votes cast for each candidate.

Section U 5
A group of lists as referred to in section R 10, subsection 2, shall be treated, for the purpose of determining the number of seats to be allocated to it, 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 be treated, for the purpose of determining the number of seats to be allocated to it, 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 lists merged 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 shall be known as the electoral quota.

Section U 8
A seat shall be allocated to a list as many times as the total vote for that list contains the electoral quota.

Section U 9
The remaining seats, known as residual seats, shall be allocated sequentially to the lists which, after the seats have been allocated, have the highest average number of votes per seat allocated. If the averages are equal, 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 allocated 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 allocated.

Section U 11

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1. The allocation of the seats awarded to a combined list among its constituent lists 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 shall be 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 in the combination whose total votes have the highest remainder when divided by the combination electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with the lowest. If the remainders are equal, 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 shall be 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 highest remainder when divided by the group electoral quota. Lists which have no remainder shall be deemed for this purpose to be the lists with the lowest remainder. If the remainders are equal, 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 containing candidates to whom no seat has been awarded.

2. If there are still seats to be awarded after subsection 1 has been applied, they shall be awarded in accordance with the system of the highest 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 meeting of the central electoral committee referred to in section U 16.

§ 3 Award of seats to the candidates

Section U 15
1. The candidates elected shall be those on the list designated for this purpose by applying sections P 15 to P 18 and section P 19a *mutatis mutandis*.

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2. The candidates shall be arranged in order in accordance with the provisions of section P 19.

3. Notwithstanding section P 15, subsection 1, and section P 19, subsection 2, candidates who have obtained a number of votes exceeding half of the electoral quota on the joint lists on which they appear shall be elected or arranged in order of the number of votes cast for them.

§ 4 Publication of the election result

Section U 16
1. The central electoral committee shall determine the result of the election as quickly as possible. The result shall be determined and announced at a public meeting of the central electoral committee. Section P 20, subsections 2 to 4, and section P 22 shall apply.

2. The chairperson of the central electoral committee shall publish the result of the election as quickly as possible by placing a copy of the official report of the meeting in the Government Gazette.

3. The chairperson of the central electoral committee shall send a copy of the official report to the Senate.

Section U 17
The central electoral committee may decide, either *ex proprio motu* or in response to a reasoned request from one or more members of a 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 be resealed, after all the ballot papers have been replaced in them.

2. The official 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. An official report shall be drawn up of such destruction.

PART IV The commencement of and changes in membership of the House of Representatives and Senate of the States General and of provincial and municipal councils

CHAPTER V
The commencement of membership

§ 1 General provisions

Section V 1
1. The chairperson of the central electoral committee shall notify an appointee in writing of his appointment. The letter containing this notification shall be handed over, in return for a dated receipt, or sent by registered post no later than the day after the result of the election has been determined or after the declaration of appointment. The President of the House of Representatives or the Senate of the States General shall, within the said time limit, hand the letter, in return for a dated receipt, or send it by registered post to appointed members of the House of Representatives or the Senate of the States General. To this end the chairperson of the central electoral committee shall hand the letter to the President of the

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House of Representatives or the Senate of the States General immediately after the determination of the result or the declaration of appointment.

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

3. The chairperson shall at the same time give written notice of the appointment to the representative assembly. This notice shall serve as the appointee's credentials.

Section V 2
1. The appointee shall ensure that the representative assembly receives a communication accepting the appointment from him or from the agent by letter no later than the tenth or, in the case of an appointment to fill a vacancy occurring after the first meeting of the newly elected assembly, the twenty-eighth day after the date of the notification of appointment.

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

3. The presiding officer of the representative assembly shall inform the chairperson of the central electoral committee without delay 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 chairperson of the central electoral committee accordingly by letter within the time limit referred to in subsection 1. The chairperson shall notify the representative assembly.

5. Until such time as a decision has been taken to admit the appointee, the latter or his agent may inform the representative assembly by letter 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 assembly shall give immediate notice of receipt of this communication to the chairperson 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 assembly 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 assembly at the time of his appointment, he shall also file an authenticated copy of an entry in the municipal database of the municipality where he is registered as a resident, showing his place of residence, his date and place of birth, and, in the case of an appointment to the House of Representatives or Senate or to a provincial council, his Dutch nationality.

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

4. If a person appointed as a member of a municipal council is not a national of a European Union member state, he shall file an authenticated copy of data from the records database of the municipality where he is registered as a resident, showing that he fulfils the requirements referred to in section 10, subsection 2 of the Municipalities Act.

Section V 4

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1. The representative assembly for which the election has been held shall examine the credentials immediately and decide whether to admit the appointee as a member of the assembly. In doing so, it shall ascertain that the appointee fulfils the requirements for membership and holds no position incompatible with membership, and shall settle 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 meeting of the newly elected assembly, account will be taken of this in reaching the decision. The examination of the credentials of members of the House of Representatives or Senate 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 or 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 purposes of the examination referred to in subsection 1, the representative assembly may decide on a re-count of the ballot papers from all or from one or more polling stations or provinces. The mayor who has the relevant ballot papers in his possession or the chairperson of the central electoral committee for an election to the Senate shall have them taken immediately to the representative assembly at its request. The representative assembly shall start the re-count immediately after receiving the ballot papers. To this end it shall be empowered to open the sealed packets and to compare the contents with the official reports of the electoral committees. Sections N 5, N 8 and N 9 shall apply *mutatis mutandis* to this re-count.

5. For the purposes of the examination referred to in subsection 1, the representative assembly shall also be empowered to open the sealed packets referred to in section N 2. The mayor who has the relevant packets in his possession shall have them taken immediately to the representative assembly at its request. Once the examination has been completed, the documents from the opened packets shall be repacked and sealed as prescribed in section N 2.

Section V 5
An invalid poll in one or more polling stations or provinces or any error in the determination of an election result shall not prevent the admission of members whose election cannot have been affected by the invalidity or error or, in the event of an invalid poll, cannot be affected by a new poll.

Section V 6
1. If the assembly to which an appointment has been made decides not to admit one or more persons on account of an invalid poll in one or more polling stations or provinces, the presiding officer shall immediately notify Our Minister of the Interior and Kingdom Relations in the case of an election to the House of Representatives or Senate, the provincial executive in the case of an election to a provincial council, and the municipal executive in the case of an election to a municipal council.

2. A new poll shall be held no later than the thirtieth day after this notification has been received, in the polling stations or provinces referred to in subsection 1, and the result of the election shall be determined anew. The date of the vote shall be determined by Our Minister of the Interior and Kingdom Relations in the case of an election to the House of Representatives or Senate, by the provincial executive in the case of an election to a

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provincial council, and by the municipal executive in the case of an election to a municipal council.

3. During this determination, a person who has already been admitted as a member shall remain elected, even if it proves that the election was incorrect. 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 take part in a new poll as referred to in section V 6 shall be those whose names appear on the valid voting passes, voters' passes, certificates of authorisation and postal vote certificates that were submitted in the poll that was declared invalid, with the exception of persons who, it becomes clear after the poll that was declared invalid, should not have been registered to vote.

2. Notwithstanding subsection 1, if the poll referred to in section V 6 concerns all polling stations in a municipality:
(a) the following shall be qualified to take part in the new poll: persons who for the purposes of the poll referred to in section V 6 were registered to vote in the municipality, with the addition of persons who, it became clear following the poll that was declared invalid, should have been but were not registered to vote in the municipality and voters whose names appear on the valid voters' passes and certificates of authorisation that were submitted in the poll that was declared invalid;
(b) the following persons shall not be qualified to vote in the new poll:
1º persons qualified to vote who were issued with a voter's pass, certificate of authorisation or postal vote certificate;
2º persons who, it became clear following the poll that was declared invalid, should not have been registered to vote in the municipality.

Section V 8
If the assembly to which the appointment has been made decides not to admit as a member one or more of the appointees because the result of the election was determined incorrectly, the presiding officer shall immediately notify the central electoral committee accordingly.

Section V 9
1. The central electoral committee shall hold a public meeting no later than the fourteenth day after receipt of the notification referred to in section V 8, and, having regard to the decision referred to in section V 8, shall determine the result of the election anew if necessary and announce it at the meeting.

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

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

Section V 10
If the assembly to which an appointment has been made has decided not to admit the appointee as a member because he does not fulfil the requirements for membership or holds a position incompatible with membership, or because the declaration of appointment by the chairperson of the central electoral committee contravenes the provisions of Chapter W, the presiding officer of the assembly shall immediately notify the chairperson of the central electoral committee accordingly.

Section V 11

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The membership of a person appointed as a member of a representative assembly shall commence as soon as he has been notified of the decision on his admission.

§ 2 Special provisions governing the commencement of membership of a provincial or municipal council

Section V 12
A decision on the admission of persons appointed to be members of a provincial council or a municipal council 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 or municipal council shall be given by the provincial or municipal executive respectively to the appointee.

2. A person who has not been admitted shall be notified of the reasons for the decision.

3. Subsection 1 shall apply *mutatis mutandis* if no decision has been 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 [Repealed on 7 March 2002]

Section V 15
1. If, by the time the members of a provincial or municipal council have to retire in rotation, approval of the credentials of over half of the statutory number of members has not become final, the members of the provincial or municipal council shall remain in office until this has been done. During this period the members elected in the election shall not carry out their duties.

2. A place which falls vacant after the periodic retirement shall be filled in the same way as if it had fallen vacant previously.

Section V 16 [Repealed on 7 March 2002]

CHAPTER W
Replacement

Section W 1
1. If a vacancy must be filled other than pursuant to the determination of an election result, the chairperson of the central electoral committee shall declare in a reasoned decision, no later than the fourteenth day after the vacancy has come to his attention, the appointment of the eligible candidate who was 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 time limit referred to in the first sentence shall start on that date.

2. If a place which was filled by the application of section P 16, subsection 2, falls vacant, the chairperson of the central electoral committee shall declare, notwithstanding subsection 1, the appointment of the eligible candidate on a 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

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lists on which they appear, a number of votes exceeding 25% of the electoral quota but have not been elected pursuant to section P 15, the chairperson of the central electoral committee shall declare, notwithstanding subsection 1, the appointment of whichever of these candidates obtained the highest number of votes.

4. In the case of the replacement of a member of the Senate or of a municipal council with fewer than nineteen seats, the figure taken into account for the purposes of subsection 3 shall be not 25% but half of the electoral quota.

5. If a vacancy occurs in respect of a place which had been filled pursuant to subsection 3, and subsection 3 may not be applied anew, the chairperson of the central electoral committee shall declare the appointment of the eligible candidate on a list from which a seat was withheld pursuant to subsection 3.

6. A model shall be established by ministerial order for the decision of the chairperson of the central electoral committee appointing a member of a representative assembly necessitated by:
(a) the non-acceptance of an appointment by a candidate;
(b) the non-admission of a candidate, or
(c) the occurrence of a vacancy in the assembly.

Section W 2
1. For the purposes of section W 1, no account shall be taken of a candidate:
(a) who has died;
(b) who has been granted temporary termination of membership in connection with pregnancy, childbirth or illness;
(c) whose vacancy is being filled;
(d) who has been declared appointed to a 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 assembly by virtue of a decision;
(e) who is a member of the representative assembly or has been declared appointed as such if no decision has yet been taken on his admission as a member, unless he has been appointed to fill a vacancy that has arisen in the circumstances referred to in division 3 of chapter X;
(f) from whom the chairperson of the central electoral committee has received a written declaration that he does not wish to be considered for the appointment;
(g) who was a member of the representative assembly although it has come to the notice of the chairperson of the central electoral committee that the vacancy left by this candidate too must be filled**;**
(h) who, in the case of an election to a provincial or municipal council, cannot be appointed pursuant to section 12 of the Provinces Act or section 11 of the Municipalities Act.

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

3. A model for the declaration referred to in subsection 1 (f) shall be established by ministerial order.

Section W 3
1. If, following the application of the provisions of this chapter, there is no longer any candidate eligible for appointment on the list for 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 on this list who is eligible for appointment according to the order determined in

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accordance with section P 19 shall be declared appointed. If there is no longer any candidate eligible for appointment on this list either, the place shall be awarded to another list forming part of the group or combination by the further application of the provisions of this subsection, and so forth.

2. For the purposes of subsection 1, the first lists to be eligible shall be those which, together with the list in question, 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 nine or eleven members, there is no longer any candidate eligible for appointment on the list for 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 on 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, following 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 model for such a decision shall be established by ministerial order.

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 meeting of the central electoral committee.

2. Sections P 20 and P 22 shall apply *mutatis mutandis* to the meeting referred to in subsection 1.

Section W 6
If the chairperson of a central electoral committee is notified on the same day that more than one vacancy has occurred in a representative assembly and that consequently a candidate on more than one list should be declared appointed, the latter shall be appointed by the application *mutatis mutandis* of section P 18.

Section W 7
1. Each appointment made pursuant to the provisions of this chapter shall be immediately announced in the Government Gazette or, in the case of an appointment to a provincial or municipal council, in the manner customary in the province or municipality.

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

Section W 8
Further rules may be laid down by order in council regarding the filling of vacancies in representative assemblies.

CHAPTER X
Termination of membership and temporary replacement of a member

§ 1 General provisions concerning the termination of membership

Section X 1

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1. As soon as it has been finally established that a member of a representative assembly does not possess one of the requirements for membership or that he holds a position which is incompatible with membership, he shall cease to be a member.

2. The presiding officer of the representative assembly shall immediately notify the chairperson of the central electoral committee accordingly.

3. Similar notification shall be given if a vacancy has occurred in the representative assembly owing to the death of a member.

Section X 2
1. A member of a representative assembly on whose admission a decision has been taken may resign at any time. It is not possible to resign with retroactive effect.

2. He shall inform the presiding officer of the representative assembly of this in writing. The latter shall immediately notify the chairperson of the central electoral committee.

3. Once resignation has been tendered, it cannot be retracted.

§ 2 Special provisions concerning the termination of membership

Section X 3
1. If a member of the House of Representatives or the Senate is appointed to an office as referred to in article 57, paragraph 2 of the Constitution, his membership of the House or Senate shall be terminated automatically.

2. If a member of the House of Representatives or Senate finds himself in one of the situations referred to in section X 1, subsection 1, except on the basis of section X 3, subsection 1, he shall notify the House of this, stating the reason.

3. If no notification 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 section X 1, subsection 1, he shall warn the person concerned in writing.

4. The person concerned may then refer the matter to the judgment of the House not later than the eighth day after the date of the warning referred to in subsection 3.

Section X 4
1. If a member of a provincial council finds himself in one of the situations referred to in section X 1, subsection 1, he shall notify the council of this, stating the reason.

2. If no notification is given and the presiding officer of the provincial council considers that a member of the provincial council is in one of the situations referred to in section X 1, subsection I, he shall warn the person concerned in writing.

3. The person concerned may then refer the matter to the judgment 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 a municipal council finds himself in one of the situations referred to in section X 1, subsection 1, he shall notify the council of this, stating the reason.

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2. If no notification is given and the presiding officer of the municipal council considers that a member of the municipal council is in one of the situations referred to in section X 1, subsection 1, he shall warn the person concerned in writing.

3. The person concerned may then refer the matter to the judgment 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 a provincial council who contravenes section 15 of the Provinces Act may be suspended from his position by the presiding officer of the provincial council. The latter shall refer the matter to the provincial council for consideration at its next meeting.

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

3. The provincial council may also expel a member *ex proprio motu*, after giving him the opportunity to defend himself orally, if that person has contravened section 15 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 a member, this decision shall not take effect within the time limit for lodging an appeal or, if an appeal has been lodged, until a decision has been taken. If the expulsion is by virtue of a decision taken *ex proprio motu*, 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 chairperson of the central electoral committee accordingly.

Section X 8
1. A member of a municipal council who contravenes section 15, subsection 1 of the Municipalities Act may be suspended from his position by the presiding officer of the municipal council. The latter shall refer the matter to the municipal council for consideration at its next meeting.

2. After giving the person suspended 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 proprio motu*, after giving him the opportunity to defend himself orally, if the member has contravened section 15, subsection 1 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.

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5. If the municipal council has decided to expel the member, this decision shall not take effect within the time limit for lodging an appeal or, if an appeal is lodged, until a decision has been given. If the expulsion is by virtue of a decision taken *ex proprio motu*, 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 mayor shall notify the chairperson of the central electoral committee accordingly.

Section X 9
Section D 9 shall apply *mutatis mutandis* to a decision as referred to in section X 4, subsection 3, section X 5, subsection 3, section X 7, subsection 4 and section X 8, subsection 4.

§ 3. Termination of membership and replacement in connection with pregnancy, childbirth and illness

Section X 10
1. The presiding officer of a representative assembly shall, at the member's request, grant temporary termination of membership in connection with pregnancy and childbirth to a member who has been admitted to the assembly. The termination of membership shall commence on the date mentioned in the request, which must be at most six and at least four weeks before the expected date of birth, as shown in a certificate issued by a physician or midwife and submitted by the member. The request referred to in the first sentence shall not be granted if it is made within a period of sixteen weeks before the end of a term of office as referred to in Chapter C.

2. The presiding officer of a representative assembly shall, at the member's request, grant temporary termination of membership to a member of the assembly, if the member is unable because of illness to perform the duties of membership and it appears probable from a medical certificate that he will be unable to resume the duties of membership within eight weeks. The termination of membership shall commence on the day after the decision on the request is made known. The request referred to in the first sentence shall not be granted if it is made within a period of sixteen weeks before the end of a term of office as referred to in Chapter C.

3. The membership of a member who has been granted temporary termination of membership as referred to in subsection 1 or 2 shall resume automatically sixteen weeks to the day after the temporary termination of membership commenced.

4. A member of a representative assembly may be granted temporary termination of membership as referred to in subsection 1 or 2 no more than three times in each term of office of the assembly.

Section X 11
1. The presiding officer of a representative assembly shall decide on a request for temporary termination of membership as referred to in section X 10, subsection 1 or 2 as soon as possible, and in any event no later than the fourteenth day after the request was submitted.

2. The decision on the request for temporary termination of membership shall be taken in accordance with the certificate of the physician or midwife referred to in section X 10, subsection 1 or 2.

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3. A decision to grant temporary termination of membership shall contain the date on which the temporary termination of membership is to commence.

4. The presiding officer of the representative assembly shall immediately notify the chairperson of the central electoral committee of a decision to grant temporary termination of membership.

Section X 12
1. The chairperson of the central electoral committee shall appoint a replacement member to fill a vacancy resulting from temporary termination of membership as referred to in this division. Chapters V and W shall apply, except that notwithstanding section V 2, subsection 1, the appointment shall be accepted no more than ten days after the date of the notification of appointment.

2. The replacement member shall cease to be a member sixteen weeks to the day after the temporary termination of membership commenced, without prejudice to the possibility of the replacement membership ending on an earlier date in accordance with this Act.

3. If the replacement for a member of a representative assembly who has been granted temporary termination of membership in connection with pregnancy, childbirth or illness resigns before the temporary termination ends or is appointed as a member of a representative assembly to fill a vacancy not resulting from temporary termination of membership, the chairperson of the central electoral committee shall appoint a new temporary replacement for the remainder of the temporary termination of membership.

4. Section X 6 shall not apply to a replacement member.

PART V
The election of members of the European Parliament

Chapter Y
The election of members of the European Parliament

§ 1 Definitions

Section Y 1
For the purposes of this Part, the following definitions shall apply:
(a) the Act: the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage (Netherlands Treaty Series 1976, no. 175);
(b) member of the European Parliament: a member of the European Parliament elected in the Netherlands.

§ 2 The election

Section Y 2
Members of the European Parliament shall be elected, unless provided otherwise in this Part, by the application *mutatis mutandis* of the provisions laid down by or pursuant to Part II concerning the election of members of the House of Representatives of the States General, having regard to the Act.

Section Y 3
Members of the European Parliament shall be elected by:

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(a) persons who are Dutch nationals on nomination day, have attained the age of eighteen years on polling day and have not been disqualified from voting;
(b) nationals of other member states of the European Union, provided:
1° on nomination day their actual place of residence is in the Netherlands,
2° they have attained the age of eighteen years on polling day, and
3° they have not been disqualified from voting in the Netherlands or in the member state of which they are nationals.

Section Y 4
The following shall be eligible for election to the European Parliament:
(a) those who fulfil the requirements laid down in article 56 of the Constitution for membership of the States General;
(b) nationals of other member states of the European Union, provided:
1° their actual place of residence is in the Netherlands;
2° they have attained the age of eighteen years on polling day, and
3° they have not been disqualified from standing for election in the Netherlands or in the member state of which they are nationals.

Section Y 5
1. Members of the European Parliament shall be elected for a term of five years, subject to the possibility of the term being extended or curtailed pursuant to article 3, paragraph 2, second sentence of the Act.

2. This term shall commence with the opening of the first session following each election.

Section Y 5a
Dutch nationals who have their actual place of residence in the Netherlands Antilles or Aruba on nomination day shall lodge their requests for registration as referred to in section D 3, subsection 1 with the representative of the Netherlands in the Netherlands Antilles or Aruba or with the municipal executive of The Hague.

Section Y 6
1. Dutch nationals who have their actual place of residence in another member state may be registered in the Netherlands to vote in elections to the European Parliament only if they have declared that they will not take part in the election in the other member state.

2. The declaration referred to in subsection 1 shall be submitted at the same time as the request referred to in section D 3, subsection 1. It shall be incorporated in the form referred to in section D 3, subsection 9. The wording of the declaration shall be established by ministerial order.

3. The municipal executive of The Hague shall refuse a request as referred to in section D 3, subsection 1 if it has been notified by the relevant member state that the applicant is registered as a voter in that state.

Section Y 7 [Repealed on 22 January 1999]

Section Y 8
1. Voting in an election to the European Parliament shall take place on the Thursday in the period specified for this purpose pursuant to article 11, paragraphs 1 and 2 of the Act.

2. Nominations shall take place on the forty-third day before polling day.

Section Y 9

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1. The Electoral Council shall act as the central electoral committee.

2. The central electoral committee shall take the place of the principal electoral committee as referred to in chapters H and I.

Section Y 10
Except on the grounds referred to in section G 1, subsection 4, a request for the registration of the appellation of a political grouping for an election to the European Parliament shall be refused if the appellation is identical or largely similar to an appellation of another political grouping which has previously been registered for an election to the House of Representatives or to an appellation for which a request for registration was previously received for that election, so that there is a risk of confusion.

Section Y 11
Section G 1, subsection 8 shall not apply.

Section Y 12
Lists of candidates shall be valid for the entire country. Lists shall be submitted at the Ministry of the Interior and Kingdom Relations to the chairperson of the central electoral committee or to a member of the committee to be designated by him.

Section Y 13
1. In addition to the declaration of consent referred to in section H 9, a written declaration shall be submitted for each candidate on a list to the effect that he will not stand for election to the European Parliament in any other member state.

2. Where and when forms for the declaration referred to in subsection 1 may be obtained by voters, free of charge, shall be laid down by order in council. A model form shall be established by ministerial order.

Section Y 14
Notwithstanding section H 3, subsection 1, second sentence, every person submitting a list shall also submit a declaration by the municipal executive of the municipality where he is registered as a voter that he is qualified to take part in the election.

Section Y 15
1. Notwithstanding section I 2, subsection 1 (h), the fact that a list was submitted by a person who did not submit a declaration by the municipal executive of the municipality where he is registered as a voter that he is qualified to take part in the election shall be regarded as an omission. The fact that a candidate has not submitted a declaration as referred to in section Y 13, subsection 1 shall also be regarded as an omission.

2. Omissions shall be rectified at the offices of the central electoral committee.

3. Section I 2, subsection 3, first sentence shall apply *mutatis mutandis* if the declaration referred to in subsection 1 has not yet been submitted.

Section Y 16
Immediately after the lists have been examined by the central electoral committee, the chairperson shall deposit them and, if necessary, the declarations of support referred to in section H 4, for public inspection at the Ministry of the Interior and Kingdom Relations.

Section Y 17

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The central electoral committee shall strike off the list, before any other, the name of any candidate for whom a declaration as referred to in section Y 13, subsection 1 has not been submitted.

Section Y 18
Section I 9 shall not apply.

Section Y 19
1. Lists of candidates of different political groupings may be merged to form a combined list by the submission, between 09.00 and 17.00 hours on nomination day, to the central electoral committee of a joint declaration in writing to this effect by the agents specified on the lists. A model for the declaration shall be established by ministerial order.

2. A list may not form part of more than one combination of lists. If an agent has signed more than one declaration concerning the same list, his signature shall be invalid in respect of all declarations.

Sections Y 20 to Y 21 [Repealed on 1 March 2004]

Section Y 22
For the purposes of section N 12, chapter O and section P 1, the principal electoral committees for elections to the House of Representatives shall act as principal electoral committees for an election to the European Parliament.

Section Y 23
Where reference is made in section O 4, subsection 2 and section O 5, subsection 1 to the assembly for which the election is being or has been held, the House of Representatives shall act in this capacity.

Section Y 23a
For the purposes of section P 15 and section P 19, subsection 2, ‘25% of the electoral quota’ should be replaced by ‘10% of the electoral quota’.

Section Y 24
Regulations may be laid down by order in council differing where necessary from provisions laid down by order in council pursuant to Part II.

§ 3 The commencement of and changes in membership

Section Y 25
1. The House of Representatives shall examine as soon as possible whether the appointee may be admitted as a member of the European Parliament pursuant to national legislation.

2. Sections V 1 to V 10 shall apply *mutatis mutandis*, on the understanding that where they refer to the representative assembly or the assembly to which the appointment has been made, this shall be taken to mean the House of Representatives.

Section Y 26
The President of the House of Representatives shall notify the President of the European Parliament and the appointee of the result without delay. If the House of Representatives has decided that the appointee may be admitted as a member of the European Parliament pursuant to national legislation, the President of the House of Representatives shall also forward the appointee’s credentials to the President of the European Parliament.

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Section Y 27
If a vacancy has to be filled other than by the determination of the election result, chapter W shall apply *mutatis mutandis*, on the understanding that for the purposes of section W 1, subsection 3, '25% of the electoral quota' should be replaced by '10% of the electoral quota'.

Section Y 28
As soon as it has been finally established that a member of the European Parliament does not fulfil one of the requirements for membership referred to in section Y 4 or holds a position incompatible with membership pursuant to national legislation, he shall cease to be a member. The President of the House of Representatives shall immediately notify the President of the European Parliament and the chairperson of the central electoral committee accordingly.

Section Y 29
1. If a member of the European Parliament finds himself in one of the situations referred to in section Y 28, he shall immediately notify the President of the House of Representatives of this, stating the reason.

2. If no notification is given and the President of the House of Representatives considers that a member of the European Parliament is in one of the situations referred to in section Y 28, he shall warn the person concerned in writing.

3. The person concerned may then refer the matter to the judgment of the House of Representatives no later than the eighth day after the date of the warning referred to in subsection 2.

Section Y 30
If the President of the European Parliament notifies the President of the House of Representatives that a person's membership of the European Parliament has been terminated because he has resigned, died or holds a position which, under the Act, is incompatible with such membership, he shall immediately notify the chairperson of the central electoral committee accordingly.

Section Y 30a [Entry into force on a date to be determined]
Sections X 10 and X 11 shall apply *mutatis mutandis* to temporary termination of membership of the European Parliament in connection with pregnancy, childbirth or illness, with the following provisos:
a. in section X 10, subsections 1 and 2, 'presiding officer of a representative assembly' is read as 'President of the House of Representatives';
b. in section X 11, subsections 1 and 4, 'presiding officer of a representative assembly' is read as 'President of the House of Representatives'.
c. the President of the House of Representatives shall immediately notify the President of the European Parliament of the decision to grant temporary termination of membership.

Section Y 30b [Entry into force on a date to be determined]
1. The chairperson of the central electoral committee shall appoint a replacement member to fill the vacancy resulting from the granting of temporary termination of membership as referred to in section Y 30a. Sections Y 25 to Y 27 shall apply *mutatis mutandis*.

2. Section X 12, subsections 2 and 3 shall apply *mutatis mutandis* to the replacement member.

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§ 4 Special provisions governing participation in an election by nationals of other member states of the European Union

Section Y 31
A national of another member state of the European Union who is entitled to vote and whose actual place of residence is in the Netherlands shall take part in the election either in the Netherlands or in the member state of which he is a national.

Section Y 32
1. The municipal executive shall register the franchise of the persons referred to in section Y 3 (b) who are residents of the municipality in the municipal database, if they have submitted a written request to that effect.

2. The request shall include the applicant's address and, where applicable, the place where he was last registered to vote in the member state of which he is a national. The request shall be accompanied by a copy of a document as referred to in section 1 of the Compulsory Identification Act. The applicant shall also declare that he has not been disqualified from voting in the member state of which he is a national and that he shall exercise his right to vote exclusively in the Netherlands.

3. Requests received after nomination day shall be disregarded for the purposes of the forthcoming election.

4. Where and when request forms may be obtained free of charge by voters shall be laid down by order in council. The declarations referred to in subsection 2 shall be incorporated in this form. A model form shall be established by ministerial order.

5. The municipal executive shall send nationals of other member states of the European Union who settle in the municipality from outside the Netherlands a form for requesting registration of their franchise.

6. The municipal executive shall decide on the request no later than the seventh day after receiving the request and shall notify the applicant of its decision forthwith.

7. If the municipal executive has been notified by another member state that a national of that member state has been disqualified from voting there, it shall not register the franchise of the person in question.

8. After the request for registration has been granted, the municipal executive shall notify the authority designated by the relevant member state that the person in question has been registered as a voter in the Netherlands. Further rules concerning how and when the notification should be made may be laid down by or pursuant to order in council.

9. The mayor shall publicly announce that nationals of other member states have the option of registration at least six weeks before nomination day.

10. Section D 9 shall apply *mutatis mutandis* to a decision as referred to in this section.

Section Y 33
1. The franchise of a national of another member state shall remain registered while the person in question is a resident of a Dutch municipality or until such registration is cancelled.

2. The municipal executive shall cancel the registration of the franchise of a national of another member state who is registered to vote:

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(a) at the request of the person concerned;
(b) if the executive becomes aware of circumstances which should exclude the person concerned from being registered.

3. The municipal executive shall immediately notify the person concerned and the authority designated by the member state of which he is a national of the cancellation of his registration.

4. Section D 9 shall apply *mutatis mutandis* to a decision as referred to in this section.

Section Y 33a
The municipal executive shall cancel registration of the franchise as referred to in section Y 32, subsection 1, if the person concerned acquires Dutch nationality.

Section Y 34
The public notice referred to in section H 1 shall also mention the possibility of nominating nationals of other member states.

Section Y 35
1. A candidate who is a national of another member state and does not also hold Dutch nationality shall include in the declaration referred to in section Y 13 mention of his nationality and the place in that member state where he was last registered to vote.

2. The name of each candidate on the list who is a national of another member state and does not also hold Dutch nationality shall be accompanied by a declaration by the competent authorities of that member state that he, as far as the authorities are aware, has not been disqualified from standing for election in that member state.

3. Further to section I 2, subsection 1, the absence of the declaration referred to in subsection 2 shall be regarded as an omission.

Section Y 35a
The central electoral committee shall strike off the list the name of a candidate who has not submitted a declaration as referred to in section Y 35, subsection 2.

Section Y 36
The central electoral committee shall inform the other member states, through the good offices of Our Minister of Foreign Affairs, of the names of their nationals who do not also hold Dutch nationality, who appear on valid lists of candidates.

Section Y 37 [Repealed on 22 January 1999]

Section Y 38
A Dutch national whose actual place of residence is in another member state may, with a view to nomination in that member state, ask Our Minister of Justice for a declaration to the effect that he has not been disqualified from standing for election in the Netherlands.

§ 5 Final provision

Section Y 39
Models established pursuant to Parts II and IV which, in accordance with the provisions of this Part, are declared applicable *mutatis mutandis* for elections to the European Parliament, may be defined in more detail by ministerial order.

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PART VI
Penalty, final and transitional provisions

CHAPTER Z
Penalty, final and transitional provisions

§1 Penalty provisions

Section Z 1
A person who forges or falsifies ballot papers, voting passes, voters' 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 Z 2
A person who intentionally uses or causes others to use as though they were genuine and unfalsified ballot papers, voting passes, voters' 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 who 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 Z 3
A person who has in his possession ballot papers, voting passes, voters' passes, certificates of authorisation or postal vote certificates 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 Z 4
1. A person who, by means of a gift or promise, bribes a voter to give him a proxy authorisation to vote on his behalf shall be liable to a term of imprisonment not exceeding six months or a third-category fine.

2. A person who, by means of a gift or promise, bribes a voter or otherwise compels him to issue a declaration as referred to in section H 4, subsection 1, in support of a list, shall be liable to a term of imprisonment not exceeding six months or a third-category fine.

3. A voter who allows himself to be bribed by means of a gift or promise to grant a proxy authorisation or issue a declaration of support shall be liable to the same penalty.

Section Z 5
1. In the event of a conviction for one of the indictable offences referred to in sections Z 1 to Z 4, the offender may be deprived of the rights referred to in article 28, paragraph 1, subparagraphs 1, 2 and 4, of the Criminal Code.

2. In the event of a sentence to a term of imprisonment of at least one year for one of the serious offences referred to in sections Z 1 to Z 3, the offender may be deprived of the rights referred to in article 28, paragraph 1(3), of the Criminal Code.

Section Z 6
A person who votes in an election as proxy for a person who he knows has died shall be liable to a term of detention not exceeding a month or a category two fine.

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Section Z 7 [Repealed on 1 January 2010]

Section Z 8
A person who systematically speaks to or otherwise approaches people in person in order to induce them to sign the form on their voting pass intended for voting by proxy and to relinquish the pass shall be liable to a term of detention not exceeding a month or a category three fine.

Section Z 8a
A national of another member state of the European Communities who votes in an election to the European Parliament both in the Netherlands and in another member state shall be liable to a term of detention not exceeding one month or a category two fine.

Section Z 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 Z 10
The chairperson and members of an electoral committee and alternate members who have been called up shall be liable to a category one fine if they are unnecessarily absent from the meeting without a replacement having been arranged.

Section Z 11
The offences referred to in sections Z 1 to Z 4 shall be regarded as indictable offences and the offences referred to in sections Z 6 to Z 10 as summary offences.

§ 2 Final and transitional provisions

Section Z 12
1. If procedures prescribed 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 representative assemblies.

2. Subsection 1 shall also apply to procedures for which the statutory time limit is determined by counting backwards from a particular date or event.

3. Where it is left to the authorities to determine the time of such procedures, no Saturdays, Sundays or official public holidays shall be designated.

4. Official public holidays are the days named as such in section 3 of the General Time Limits Act (Bulletin of Acts and Decrees 1964, 314) and days equated with them by or pursuant to that section.

Section Z 13
The table annexed to this Act shall form part of it.

Sections Z 14 to Z 19 [Repealed on 11 May 2005]

Section Z 20
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 of the Interior and Kingdom Relations shall rearrange the numbering of the sections, divisions and chapters of this Act and shall alter

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the references in this Act to the sections, divisions and chapters to conform to the new numbering.

Section Z 21
This Act may be cited as the Elections Act.

Order and decree that this Act shall be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Done at The Hague, 28 September 1989

BEATRIX

D.IJ.W. de Graaff-Nauta

State Secretary for the Interior

Published on the nineteenth of October 1989

F. Korthals Altes
Minister of Justice

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

Number of electoral district
Area covered by the electoral district
Municipality where the principal electoral committee is situated

1. Province of Groningen: **Groningen**

2. Province of Fryslân: **Leeuwarden**

3. Province of Drenthe: **Assen**

4. Province of Overijssel: **Zwolle**

5. Province of Flevoland: **Lelystad**

6. Municipalities of Beuningen, Buren, Culemborg, Druten, Geldermalsen, Groesbeek, Heumen, Kesteren, Maasdriel, Millingen aan de Rijn, Neerijnen, Nijmegen, Tiel, Ubbergen, Lingewaal, West Maas en Waal, Wijchen, Zaltbommel: **Nijmegen**

7. Municipalities of the province of Gelderland not included in electoral district 6: **Arnhem**

8. Province of Utrecht: **Utrecht**

9. Municipality of Amsterdam: **Amsterdam**

10. Municipalities of Aalsmeer, Amstelveen, Beverwijk, Blaricum, Bloemendaal, Bussum, Diemen, Haarlem, Haarlemmerliede en Spaarnwoude, Haarlemmermeer, Heemskerk, Heemstede, Hilversum, Huizen, Laren, Muiden, Naarden, Ouder-Amstel, Uithoorn, Velsen, Weesp, Wijdemeren, Zandvoort: **Haarlem**

11. Municipalities of the province of North Holland not included in electoral districts 9 or 10: **Den Helder**

12. Municipality of The Hague: **The Hague**

13. Municipality of Rotterdam: **Rotterdam**

14. Municipalities of Alblasserdam, Albrandswaard, Barendrecht, Bernisse, Binnenmaas, Brielle, Cromstrijen, Delft, Dirksland, Dordrecht, Giessenlanden, Goedereede, Gorinchem, Graafstroom, Hardinxveld-Giessendam, Hellevoetsluis, Hendrik-Ido-Ambacht, Korendijk, Leerdam, Liesveld, Maassluis, Middelharnis, Midden-Delfland, Nieuw-Lekkerland, Oostflakkee, Oud-Beijerland, Papendrecht, Ridderkerk, Rozenburg, Rijswijk, Schiedam, Sliedrecht, Spijkenisse, Strijen, Vlaardingen, Westland, Westvoorne, Zederik, Zwijndrecht: **Dordrecht**

15. Municipalities of the province of South Holland not included in electoral districts 12, 13 or 14: **Leiden**

16. Province of Zeeland: **Middelburg**

17. Municipalities of Aalburg, Alphen-Chaam, Baarle-Nassau, Bergen op Zoom, Breda, Dongen, Etten-Leur, Geertruidenberg, Gilze en Rijen, Goirle, Halderberge, Hilvarenbeek,

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Loon op Zand, Made, Moerdijk, Oisterwijk, Oosterhout, Roosendaal, Rucphen, Steenbergen, Tilburg, Waalwijk, Werkendam, Woensdrecht, Woudrichem, Zundert: **Tilburg**

18. Municipalities of the province of North Brabant not included in electoral district 17: **'s-Hertogenbosch**

19. Province of Limburg: **Maastricht**

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