

Press release: Report of the Election Process Advisory Commission

The Election Process Advisory Commission today (27 September 2007) published its report to the State Secretary for the Interior and Kingdom Relations, Ms A.T.B. Bijleveld-Schouten. The Commission, chaired by F. Korthals Altes, was set up to examine the election process and make proposals to improve or change it in line with the principles of secret, free, reliable, practical and transparent elections that are equally accessible to everyone.

The essence of the report is that the election process in the Netherlands should safeguard the following principles: transparency, verifiability, fairness, eligibility to vote, free, secret and equal suffrage, and accessibility. The Commission takes the view that only at polling stations can all these principles be optimally safeguarded and the best balance struck between them. Voters in the Netherlands should therefore continue to vote at polling stations in the future. This should be standardized throughout the Netherlands, as the election process should as a rule provide the same degree of safeguards to all voters.

Voting using paper ballots at polling stations is the preferred option on the grounds of transparency and verifiability. There are practical problems with the manual counting of paper ballots, however, because of the likelihood of errors, and it also takes a long time. The Commission therefore proposes a method of voting where votes are cast on paper and counted electronically by a *vote counter*. For this to happen the paper ballot must be readable by the *vote counter* (using OCR, optical character recognition). The Commission therefore proposes that voters should make their choice using an electronic device (a *ballot printer*). The choice is then printed on paper (the *ballot printout*). The *ballot printer* merely presents the options available to voters and prints their choice. Otherwise it does nothing, so there is no question of voters' choices being stored electronically. Voters themselves deposit their paper ballots in a ballot box, and when the ballot closes they are counted electronically by the *vote counter*. They can also be counted manually for verification purposes. The main advantage of the method of voting proposed by the Commission is its complete transparency and verifiability. The results are not dependent on the storage of votes in an electronic memory that is difficult or impossible to check, as with the voting machines used hitherto.

The Commission admits two exceptions to the rule that voting should take place at polling stations: in the case of voters with a physical impairment that makes them unable to vote at a polling station and voters permitted to vote from abroad. Voters with impairments should be allowed to vote by telephone. Voters abroad, who have hitherto been allowed to vote by post, should be allowed in future to vote using the Internet or, if they are unable or unwilling to do so, by post. Internet, postal and telephone voting do not safeguard the principles of secret and free suffrage as effectively as voting at polling stations, but the Commission takes the view that the principle of access to elections should outweigh this in the case of these special groups.

The Commission also recommends introducing voting at any polling station in all municipalities. Experiments with this since 2004 under the Remote Electronic Voting (Experiments) Act in a small number of elections have proved successful. Voting at any polling station outside the voter's municipality could be introduced nationwide later on, once all the authorities responsible for organizing elections and the public are accustomed to the new system of voting at polling stations.

Voting passes used for voting at any polling station should be better protected against forgery, counterfeiting and misuse. They should therefore incorporate authenticity features. To combat misuse,

voters need to be required to identify themselves when voting. Since the introduction of the Compulsory Identification Act everyone in the Netherlands over the age of 14 is required to hold a valid identity document and carry it with them at all times. All electors will therefore have an identity document on their person when they go to vote and will be able to produce it.

The Netherlands has long had proxy voting. From time to time this attracts criticism internationally, e.g. from the observation missions of the Organization for Security and Co-operation in Europe (OSCE). The Commission takes the view that proxy voting is well established in the Netherlands and should be retained. The risk of proxies being misused by intercepting voter registration cards or voting passes needs to be reduced. In future anyone appointed to vote on behalf of another person should be required to produce a copy of a valid identity document of that person. This would enable the polling station committee to compare the two signatures if necessary. The Commission considers that the need for proxy voting could be reduced by implementing some of its proposals. Voters with a severe physical impairment, for example, could vote by telephone, and voters should be free to choose which polling station to use. The Commission also proposes providing special mobile polling stations in hospitals and nursing homes, and possibly penal institutions.

The Commission looked in depth at the way in which duties and responsibilities for the election process are allocated. This is generally satisfactory, but there are two areas that have not been adequately provided for, if at all: the laying-down of requirements for equipment used in ballots, the enforcement of these requirements and the security and management of the equipment are not properly regulated. This responsibility should rest overall with central government, specifically the Minister of the Interior and Kingdom Relations, and should be enshrined in the law and regulations. This is also the case with the new duties arising from the Commission's recommendations on voting at any polling station and Internet and telephone voting. In view of the Government's standpoint on the report of the Voting Machines Decision-Making Commission the logical course is for these to be assigned to the Personal Records and Travel Documents Agency.

The transparency and verifiability of the election process can be improved by subjecting the preparations for, and conduct of, every election to an audit, the aim being:

- to gain an objective idea of any incidents and errors relevant to the results when these are being determined by the Central Electoral Committee, and
- to learn lessons for future elections.

Election data (e.g. the official reports) should also be kept, and released for academic research after a specified period.

The Commission does not rule out the possibility that future developments will mean that Internet voting provides better safeguards than is currently the case. It does not consider that the time is ripe to introduce this option for voters in the Netherlands, as the principles of transparency, verifiability and free and secret suffrage cannot be sufficiently safeguarded yet.

The Commission was composed as follows:

- F. Korthals Altes, Honorary Minister, Chairman and member
- Prof. J.M. Barendrecht, Professor of Private Law at the University of Tilburg
- Prof. B.P.F. Jacobs, Professor of Computer Security at Radboud University, Nijmegen and Eindhoven University of Technology
- C. Meesters, Director of Public Affairs at the Municipality of Rotterdam and Chairman of the Nederlandse Vereniging van Burgerzaken (the association of organizations concerned with municipal documentary services to citizens)
- M.J.C. van der Wel MBA, Business Development EMEA Manager (Fox-IT), Delft