



Office for Democratic Institutions and Human Rights

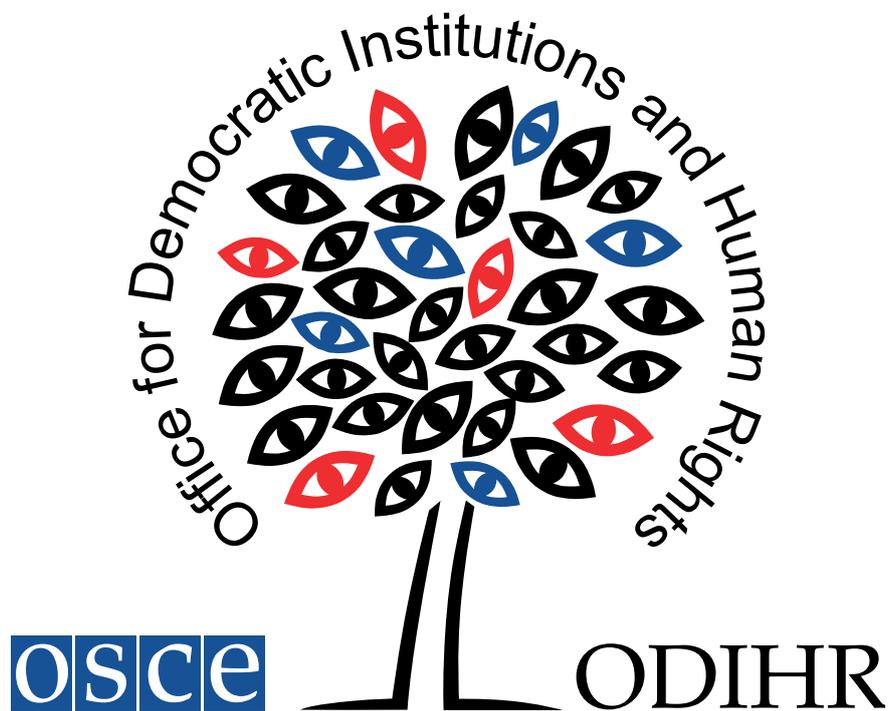
THE NETHERLANDS

EARLY PARLIAMENTARY ELECTIONS

22 November 2023

ODIHR NEEDS ASSESSMENT MISSION REPORT

18 – 21 September 2023



Warsaw
8 November 2023

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THE NETHERLANDS
EARLY PARLIAMENTARY ELECTIONS
22 November 2023

ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Government of the Netherlands to observe the 22 November 2023 early parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 18 to 21 September. The ODIHR NAM was comprised of Ana Rusu, ODIHR Senior Election Adviser, and Hamadziripi Munyikwa, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as representatives of the judiciary, media, political parties and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs and the Ministry of the Interior and Kingdom Relations for their assistance in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the ODIHR NAM and for sharing their views.

II. EXECUTIVE SUMMARY

On 22 November, citizens will vote to elect the 150 members of the House of Representatives (the *Tweede Kamer*), the lower chamber of the Dutch parliament. Its members will be directly elected to a four-year term through an open list proportional representation system in a single national constituency. Women are generally well represented in public life with many ODIHR NAM interlocutors expecting many parties to put women forward as the top candidates on their lists. Women constituted 40 per cent of the outgoing MPs and half of the outgoing Cabinet of Ministers.

The electoral legal framework is comprehensive and permits the effective conduct of democratic elections. Important aspects of Elections Act have been amended since the last parliamentary elections, affecting the processes of counting, tabulation, verification and transmission of results, as has the Political Parties Financing Act, amending the limits for contributions, deadlines and thresholds for reporting, prohibiting donations from abroad and altering the terms of membership of the Commission on Political Party Finance (CPPF). Some ODIHR recommendations remain unaddressed, including those related to proxy voting, the independence of campaign finance oversight, and the resolution of electoral disputes.

The functions of election administration are distributed between municipal governments, the Ministry of the Interior and Kingdom Relations (MoIKR) and the Electoral Council (EC), with subsidiary District and Municipal structures. The municipal governments are responsible for managing the technical and operational elements of elections including voter registration, printing and distributing voting cards, and designating, staffing and training around 9,000 Polling Station Committees (PSCs) which implement election day procedures. Given that these elections will be held earlier than expected some ODIHR NAM interlocutors from municipal government's indicated that they had not budgeted for some

elements of the process but would not face any significant issues with implementation. Some ODIHR NAM interlocutors mentioned potential difficulties in hiring poll workers in some remote areas.

The MoIKR provides technical guidance, while the EC is responsible for party and candidate list registration as well as the tabulation of results and allocation of seats in the parliament. Other structures include 20 District Electoral Committees whose functions are limited to tabulation and transmission of results. Changes to the Elections Act put in place new procedures for the MECs to check the official reports for potential errors and, where necessary, to call for and conduct recounts at the municipal level rather than at the request of the EC as the case had been previously. All ODIHR NAM interlocutors expressed a high level of trust in the impartiality and professionalism of the election administration.

The Elections Act requires that physical accessibility be ensured for voters with disabilities at all polling stations and most ODIHR NAM interlocutors were satisfied with the overall physical accessibility of polling stations though some noted that the ballot papers are not easily accessible to voters with visual impairments and that the braille overlay tools are only available in a limited number of polling stations.

There are approximately 13 million registered voters. All citizens over the age of 18, other than those convicted of certain crimes, have the right to vote. Voter registration within the Netherlands is passive, but voters residing abroad must actively register through the municipality of the Hague. Most ODIHR NAM interlocutors, did not express concerns with the accuracy and inclusiveness of the voter registration but some noted barriers faced by some voters in demonstrating ties to a specific municipality if they don't have a fixed residence.

All eligible voters can stand for elections. Parties that are not currently represented in parliament are required to pay an electoral deposit and must submit signatures from the electoral districts in which they intend to field candidates within a time frame of 14 days. All ODIHR NAM interlocutors were satisfied with the administration of the candidate registration process.

Election campaigning is largely unregulated. The Constitution protects fundamental freedoms and all ODIHR NAM interlocutors were confident about the ability to campaign freely, though some noted with concern an increase in threats towards politicians with women candidates particularly targeted. Political parties indicated that they would campaign largely online with some relying on in-person public campaigning. The main campaign issues are expected to be immigration policy, the cost of living and environmental policy.

The Political Finance Act (PFA) regulates campaign finance and provides for private and public financing of campaigns. Amendments to the PFA which took effect in January 2023, set a cumulative maximum for donations at EUR 100,000 per donor, prohibit donations by non-citizens from outside the European Economic Area (EEA), set the thresholds for receipt of anonymous donations at EUR 250 and disclosure of contributions at EUR 1,000, and require that all donations of EUR 10,000 or more be disclosed to the MoIKR within three days of receipt. The MoIKR is the primary body in charge of political finance oversight with advice from the Commission on Political Party Finance (CPPF). Most ODIHR NAM interlocutors were satisfied with the current rules as generally contributing to the transparency of political finance but some noted that notwithstanding the recent amendments, improvements could still be made to the requirements for and timelines of reporting after elections and the independence of campaign finance oversight.

The media offers voters a diverse range of views. Television remains the main source of political information, and multiple debates are planned on public and private channels involving all parliamentary parties and other electoral contestants. Parliamentary parties, as well as other electoral contestants fielding candidates across the whole country, are entitled to free airtime on public television

and radio. ODIHR NAM interlocutors were generally satisfied with the freedom and capacity of the media to provide voters with accurate and diverse political information.

The law provides for the regulation of election disputes related to various parts of the electoral process, such as voter registration, registration of party names, candidate registration, and election day proceedings. There are no specific rules or regulations permitting judicial appeal of other crucial aspects, including related to campaign finance, campaigning, or challenges to the election results. ODIHR NAM interlocutors did not express concerns related to the impartiality or timeliness of electoral dispute resolution or their access to judicial remedy.

All ODIHR NAM interlocutors expressed a high degree of confidence in the electoral process, the ability of contestants to campaign on an equal basis and the management of election day proceedings. ODIHR NAM interlocutors acknowledged the potential usefulness of an external assessment of recent legislative changes regarding campaign finance, as well as the processes of counting, tabulation, verification, and transmission of results, and the structure of the election administration for determining results. However, having noted strong trust in the ability of the election administration to manage the elections in a professional, impartial and transparent manner, ODIHR does not recommend the deployment of an election observation activity for the 22 November 2023 early parliamentary elections. ODIHR considers that issues identified by the stakeholders as potentially benefiting from external scrutiny can be best analyzed through other tools that ODIHR is ready to provide. In this context, ODIHR reaffirms its readiness to support the authorities in future electoral reform processes and encourages the authorities to consider the issues raised during the NAM and in previous ODIHR reports, as well as implement previous ODIHR electoral recommendations.

A. BACKGROUND

The Netherlands, the largest part of the Kingdom of the Netherlands, is a constitutional monarchy in which the King is the head of state with largely ceremonial powers.¹ The government is composed of the council of ministers, presided over by the prime minister. Legislative power is vested in a bicameral parliament which is made up of a 150-member *Tweede Kamer* (House of Representatives or House) and a 75-member Senate. Members of the House are directly elected to a four-year term using a proportional representation system, from open party lists in a single national constituency, and members of the Senate are indirectly elected by the 12 provincial assemblies and electoral colleges. All seats in the House will be contested in the upcoming elections while elections to the Senate were held on 30 May 2023.²

Early parliamentary elections were called on 14 July 2023 following the collapse of the government coalition over disagreements in relation to immigration policy, that arose earlier in the same month. The outgoing government was a coalition of the VVD, (People's Party for Freedom and Democracy), the Christian Democratic Appeal (CDA), Democrats 66 (D66) and the Christian Union (CU) formed following the 2021 parliamentary elections, and was the fourth under the leadership of Prime Minister Mark Rutte of the VVD.³ Other parliamentary groups include 50 Plus (50+), Denk, Green Left, Labour Party, Party for the Animals, Party for Freedom, Reformed Political Party and the Socialist Party. Of the outgoing House and government respectively, 61 parliamentary seats (40 per cent) and 15 out of 29 positions of Ministers and State Secretaries were held by women.

¹ The Kingdom of the Netherlands also comprises three other self-governing countries: Aruba, Curaçao, and Sint Maarten in the Caribbean which are autonomous with the exception of matters related to defence and foreign affairs. The country of the Netherlands consists of a territory in Europe and the islands of Bonaire, Saba and St Eustatius in the Caribbean.

² ODIHR received an invitation to observe these elections but in line with its [methodology](#) ODIHR did not send a Needs Assessment Mission.

³ Mr Rutte has since announced that he is stepping away from politics and will not be leading the party into these early elections.

ODIHR has observed five elections in the Netherlands since 2006.⁴ The final report by the ODIHR Election Expert Team (EET) to the 2021 parliamentary elections found that “the elections were professionally administered and enjoyed the confidence of stakeholders” but noted that prior recommendations to introduce more transparency of financing and an independent oversight authority for political financing remained unaddressed. The report also found that despite the absence of specific deadlines for some of the potential complaints and the absence of a means to appeal election results in court, the system of election dispute resolution is trusted by stakeholders and appears to be capable of timely and effective adjudication of the complaints submitted. The final report, which was issued in July 2021, made 10 recommendations to bring the electoral process closer in line with OSCE commitments, five of which were considered to be of priority.⁵

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Members of the House of Representatives are elected through a proportional representation system from open lists. Voters select one candidate from a range of party lists and each vote is considered as a vote for the selected candidate’s list. Candidates are registered on lists which are included in 20 district level and 3 public entity level ballot papers but seats are apportioned to a single national constituency, according to a natural electoral quota.

Parliamentary elections are primarily regulated by the 1954 Charter of the Kingdom of the Netherlands, the 2002 Constitution of the Netherlands, the 1989 Elections Act, and the 1989 Elections Decree that unifies prior election-related regulations. Other relevant legislation includes the 2013 Political Finance Act, the 2009 General Administrative Law Act, and the 1994 Criminal Code, as well as organic laws on the courts and procedural codes. The legal framework has been amended since the previous elections with substantive changes introduced to Elections Act, in force since 1 January 2023, affecting the election day procedures related to the processes of counting, tabulation, verification and transmission of results (*see Election Administration*) as well as adjustments to the Political Finance Act (PFA), amending the limits for contributions, changing deadlines and lowering thresholds for reporting financial donations, prohibiting donations from outside the European Economic Areas (EEA) and prohibiting membership of the Commission on Political Party Finance within four years after holding an elected or administrative position in the national, decentralized and European representative bodies or administrations (*see Campaign Finance*).

The Netherlands is a party to major international and regional instruments related to the holding of democratic elections and the Constitution formally integrates international law into national law.⁶ Overall, the legal framework is comprehensive and provides a robust basis for holding democratic elections. Election day proceedings are open to observation by citizens. The Elections Act also provides for international election observation. The sessions of the election administration bodies are public and voters can register oral complaints on any part of the process.

Some previous ODIHR priority recommendations remain unaddressed, including those related to

⁴ See all previous [ODIHR election related reports on the Netherlands](#). ODIHR received an invitation to observe the 15 March 2023 elections to the Provincial Councils.

⁵ In paragraph 25 of the 1999 [OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See ODIHR Electoral Recommendations Database [Paragraph25.odihr.pl](#).

⁶ Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD), the 2003 Convention Against Corruption (CAC), and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). Poland is also a party to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the 1995 Framework Convention for the Protection of National Minorities.

adequate legal deadlines for handling election-related complaints, the possibility to appeal election results to a court as a final instance and the establishment of an independent oversight body for political finance.

C. ELECTION ADMINISTRATION

The functions of election administration are distributed between the Ministry of Interior and Kingdom Relations (MoIKR), the *Kiesraad* or Electoral Commission (EC), 20 District Election Commissions (DECs), and the 342 municipal and 3 public entity governments which establish and oversee the newly instituted Municipal Electoral Commissions (MEC) and over 9,000 Polling Station Committees (PSCs).

The MoIKR's responsibilities include proposing legislation and issuing regulations related to the electoral process, designing the format of election-related materials such as ballots and voting cards, providing instructions on procedures and the organization of the election process to municipalities, and evaluating each election to identify areas for potential improvement. The EC has its own secretariat and budget and is made up of seven members individually appointed by the government for four-year terms, which may be renewed twice.⁷ Its operational responsibilities include the registration of the names and logos of the political parties wishing to contest the elections, the registration of candidate lists, the aggregation of voting results, and the allocation of mandates.

The municipal governments implement most operational elements of election administration including voter registration, printing and distributing voting cards, and designating and staffing polling stations as well as conducting training for poll workers. Given that these elections will be held earlier than expected some ODIHR NAM interlocutors from municipal governments indicated that they had not budgeted for some elements of the process but would not face any significant issues with implementation. Some ODIHR NAM interlocutors mentioned potential difficulties in hiring poll workers in some remote areas.

The PSCs are temporary bodies appointed by the municipalities and composed of a chairperson and between two and six members, with competencies to set up polling stations, manage the conduct of voting procedures and count the votes. A municipality must have at least one PSC.

Changes to the Elections Act have introduced MECs as a new layer in the sequence of counting, tabulating and transmitting results. Consequently, municipalities will have the choice to either count all votes at the polling station level on election day and have the MECs check the final reports and determine municipal results, or for the PSCs to only count the votes for party lists on election day and have the MECs perform a full count the day immediately following the elections. The changes also put in place new procedures for the MECs to check the official reports for potential errors and, where necessary, to conduct recounts at the municipal rather than the EC level as was the case previously. The DECs are appointed by the municipalities and are composed of five members and three substitutes, for a four-year-term. Their role is to tabulate and transmit the voting results from the municipalities under their jurisdiction to the EC. The deadline for the announcement of final results was also amended from 8 to 14 days in order to allow for any possible re-counts to take place.

The Elections Act requires that physical accessibility be ensured for voters with disabilities at all polling stations. All voters with disabilities can be assisted by the PSC chairperson. Voters with physical disabilities can designate a person of their choice to help them vote, but this does not apply for those with intellectual and psychosocial disabilities which was of concern to some ODIHR NAM

⁷ The current membership is composed of [four men and two women](#).

interlocutors.⁸ Some ODIHR NAM interlocutors were unsatisfied with the overall physical accessibility of polling stations as about 20 per cent of polling stations still lack this feature.⁹ Some ODIHR NAM interlocutors noted that as a function of the open list system the ballot papers tend to be large and are not easily accessible to voters with visual impairments and that the braille overlay tools are only available in a limited number of polling stations. The MoIKR engages with civil society organisations to provide voter information to various communities including young people, people with disabilities and people with low literacy, which many ODIHR NAM interlocutors commended.

All ODIHR NAM interlocutors expressed a high level of trust in the various election administration bodies to conduct elections, including election day proceedings, in an impartial and professional manner.

D. VOTER REGISTRATION

All citizens over the age of 18 have the right to vote, apart from those convicted of certain crimes, whose voting rights can be temporarily suspended upon a court's decision. There are no limitations on the right to vote of persons with intellectual or psychosocial disabilities, including those under guardianship. Voter registration is passive and based on extracts of the unified population register, maintained by the municipalities. The voter register closes six weeks prior to election day, on 9 October. Some 13 million citizens are eligible to vote.

Voters residing abroad who wish to receive the ballot are required to actively register with the municipality of The Hague by post or electronically before 11 October. While registering, they indicate whether they prefer to vote by post or using a proxy and how they would like to receive their ballot (see *Alternative Voting Methods*). The MoIKR estimates that up to 1 million citizens reside outside of the Netherlands, with approximately 100,000 having requested registration for the upcoming elections.

For these elections, municipalities send voting cards to all eligible voters by 8 November. A voter can vote in any polling station within the municipality to which they are registered, but may also request to vote at any other location in the country. Voters may request a replacement card until the day before election day. In order to cast a ballot, voters present their voting cards and an identification document to a member of the PEC, who verifies that the voter card has not been invalidated.¹⁰ Polling stations do not keep voter lists, and PECs retain voter cards once voters receive their ballots. No ODIHR NAM interlocutors raised concerns over the accuracy of the voter registers, but some noted barriers to registration faced by people with no fixed residence, particularly those coming from the territories of the Caribbean, as they are asked to demonstrate their ties to the region of the municipality where the request is made.

E. ALTERNATIVE VOTING METHODS

All voters, including those residing abroad, may assign a proxy to vote on their behalf, if they are unable to be present at a polling station, with a single voter able to cast no more than two proxy votes.¹¹ No justification is required for requesting a proxy vote but the Elections Act does not allow proxy votes to be issued at the polling station. While proxy votes are inconsistent with maintaining the secrecy of the vote and are contrary to previous ODIHR recommendations, the majority of ODIHR NAM interlocutors did not express fundamental objections to the longstanding practice.

⁸ See report by [Iederin](#) citing inadequate training for the polling staff on correct processes for assisting persons with disabilities.

⁹ See research commissioned by the MoIKR on accessibility in polling stations in [2022](#) and [2023](#).

¹⁰ Invalidated cards include those that have been replaced, stolen or unlawfully in circulation, or those of a voter who has died. Documents which expired less than five years ago will be accepted for voter identification.

¹¹ Prisoners can only vote by proxy.

Citizens residing abroad may request a postal ballot. Overseas voters have the option of downloading their postal ballot electronically but have to mark and cast the ballots in hard copy. These postal votes should reach The Hague DEC or to the Dutch embassies serving as collection points of votes from abroad by 22 November.¹²

F. CANDIDATE REGISTRATION

All eligible voters have the right to stand for elections.¹³ The EC is responsible for candidate registration. Parties register the name under which they will be registering the lists with the EC and pay a EUR 450 fee. Political groups and individuals can also choose not to register and compete as so-called ‘blank lists’. Upon approval of a list-name by the EC, candidate lists can be registered for inclusion on any of the 20 district level ballots with those parties not currently represented in parliament required to pay a deposit of EUR 11,250 and providing written consent from all the proposed candidates.¹⁴ Political groups not represented in the outgoing parliament are required to submit an additional 30 supporting signatures from each electoral district in which they intend to field candidates.¹⁵ These parties have a 14 day timeframe, for these elections between 14 September and 8 October, to collect and have the supporting signatures verified. An individual voter is permitted to sign in support for only one candidate list, which is at odds with the international good practice.¹⁶

Parties that obtained at least 15 seats in the previous parliamentary elections can register a combined total of 80 candidates on all their lists, with all other lists limited to 50 candidates.¹⁷ There are no legal requirements for gender representation on candidate lists. While most ODIHR NAM interlocutors were of the opinion that women are well represented in political life, women are still in the minority in all levels of government and in particular less represented at the local level. ODIHR NAM interlocutors noted the likelihood that more major parties would have women as their lead candidates for the upcoming elections and that most political parties would submit a balanced number of male and female candidates on their lists.¹⁸

The EC checks candidate lists and parties have three days to correct any errors found and resubmit documents to the EC. For these elections the deadline for candidate list registration was 9 October.¹⁹ The EC provided a guidebook to all the parties explaining the process for candidate submission. Political parties that the ODIHR NAM met with did not express any concerns with the candidate registration process and did not anticipate any challenges in meeting registration requirements.

G. ELECTION CAMPAIGN

The Constitution guarantees freedoms of association, assembly and expression. Other than municipal ordinances related to mass assembly and posting campaign material, campaigns are generally

¹² In addition, there will be three collection points abroad assigned by the Ministry of Defence and three collection points in Dutch representations at the Caribbean countries of the Kingdom of the Netherlands. The votes are counted at these collection points, with results transmitted electronically to The Hague DEC.

¹³ Citizens of 16 years of age can also stand for election. If elected, they are put on a so-called “reserve list” until they turn 18, when they may start their mandate.

¹⁴ The deposit is returned if a party gains at least three quarters of votes needed for one seat.

¹⁵ The maximum number of supporting signatures countrywide is 580. In Bonaire electoral district, the required number of supporting signatures is 10.

¹⁶ Paragraph 96 of the [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) (2nd edition) states: “It should be possible to support the registration of more than one party, and legislation should not limit a citizen or other individual to signing a supporting list for only one party”.

¹⁷ Contestants may register lists at national level and/or in each of the 20 electoral districts.

¹⁸ See [report](#) by the Netherlands College for Human Rights on gender representation.

¹⁹ See the calendar detailing candidate registration [here](#).

unregulated. There is no official campaign period, and campaigning may take place up to, as well as on, election day, except at polling stations.

ODIHR NAM interlocutors did not anticipate any obstacles to contestants' ability to campaign freely but some did voice concerns about candidate safety with online threats aimed particularly at women candidates.²⁰ The main campaign topics are expected to focus on immigration policy, environmental policy and the cost of living. Most political parties informed the ODIHR NAM that they would prioritize online campaigning rather than traditional methods such as meetings and canvassing. All ODIHR NAM interlocutors noted that televised debates among leaders of parties will play a key part of the campaign (see *Media*).

H. CAMPAIGN FINANCE

Political and campaign financing are regulated by the PFA which has been substantially amended, effective 1 January 2023. ODIHR NAM interlocutors indicated plans for further reforms of campaign finance legislation after the 2023 elections.

The PFA allows for both public and private sources of funding for political parties and does not impose expenditure ceilings for campaigning on parties or candidates. Parliamentary parties receive public funding in proportion to their representation. While previously contributions from private individuals and legal entities to parties and candidates were unlimited, recent amendments have set a cumulative maximum for donations to political parties and their associated institutions of EUR 100,000 per donor, per year. As of this year, donations from outside the EEA to political parties and their affiliated institutions are prohibited, with the exception of donations from Dutch citizens residing abroad.

The 2023 amendments have also reduced the threshold for anonymous donations from EUR 1,000 to EUR 250. Parties are required to record all contributions, both monetary and in-kind, over EUR 1,000 and all debts of over EUR 25,000 in a calendar year must be publicly disclosed. The threshold for disclosure of contributions from donors has been lowered from EUR 4,500 to EUR 1,000. Donations of EUR 10,000 or more per donor per calendar year must be reported to the MoIKR and made public within three days of receipt. Some ODIHR NAM interlocutors noted that this requirement would be more administratively burdensome for smaller parties which may not have the personnel to respond within the new timeline.

Parliamentary parties must submit their annual financial reports certified by an auditor by 1 July (for the previous year) to the MoIKR.²¹ In election years, the regulations on donations and debts apply to all candidates. Most ODIHR NAM interlocutors were satisfied with the current rules as generally contributing to the transparency of political finance but some noted that notwithstanding the recent amendments, improvements could still be made to the requirements and timelines of reporting after elections and the independence of campaign finance oversight.

The MoIKR oversees political and campaign finance with advisory support from the CPPF. The CPPF consists of three members appointed for up to two four-year terms, none of whom represent the governing parties. The Commission meets once a year and upon request by the MoIKR provides opinions on issues related to political finance. The new amendments to the PFA prohibit membership of the CPPF within four years after holding an elected or administrative position in the national, decentralized and European representative bodies or administrations.

²⁰ See news coverage on [threats towards politicians](#).

²¹ While there is no legal deadline for publishing the party annual financial reports, the MoIKR informed the ODIHR NAM that last year it published annual reports by 1 October.

In the case of infringements of political finance rules, the MoIKR, under the advice of the Commission, can, but is not legally required to, impose a range of administrative fines up to a maximum of EUR 25,000. Where a political party is a recipient of public funding, the amount of the fines can be withdrawn from the state subsidies. In cases involving criminal convictions, eligibility for state subsidies is suspended for up to four years. The MoIKR informed the ODIHR NAM that no such infringements had been registered since the last parliamentary elections.

I. MEDIA

The Constitution and Media Act provide a robust system that protects freedom of expression and freedom of media. Detailed media-related regulations are stipulated in the 2008 Media Act. The media environment is pluralistic and offers a diverse range of views, with over 600 broadcasters. The public broadcasting system includes 20 independent organizations under the umbrella of NPO (*Nederlandse Publieke Omroep*).

The Dutch Media Authority (DMA) upholds the rules set out in the Media Act and grants or suspends licenses for private broadcasting. Internet content is not subject to DMA oversight but new regulations have brought content providers with over 500,000 subscribers under its remit.²² The DMA has the power to impose sanctions if media outlets do not comply with the legislation, ranging from warnings to a series of financial penalties.

The Press Council, a self-regulatory body, observes compliance with journalistic ethics and can comment on all media production, including online.²³ All citizens and organizations named in a publication can file a complaint related to journalistic work with the Press Council. While it has no power to impose sanctions, decisions of the Press Council contribute to public opinion regarding journalistic conduct.

Parliamentary parties are all allocated equal portions of free airtime in the public media on an annual basis. In addition, during the campaign, parties that submit candidate lists in at least 19 out of 20 electoral districts receive additional free airtime, also distributed equally. The NPO advises the MoIKR on the amount of available time for free political advertising during election periods. The DMA then advises on the broad schedule and communicates with the political parties on the technical elements while specific timeslots are determined through an official lottery managed by a notary. Political parties can buy advertising time in special advertising blocks though ODIHR NAM interlocutors noted that private advertising is rare. There are no legal requirements for equal coverage during campaign periods and the DMA does not monitor how much airtime candidates receive on regular airtime. The public broadcaster stated that it makes decisions on news coverage of contestants in the build-up to elections on the basis of newsworthiness.

Most ODIHR NAM interlocutors were certain of the media's freedom and capacity to provide voters with accurate and diverse political information. The public broadcaster indicated plans to hold three televised debates with the leadership of all parliamentary parties as well as other less prominent contestants.

J. ELECTION DISPUTE REGULATION

The Elections Act and the General Administrative Act regulate complaints and appeals regarding specific parts of the electoral process, such as voter registration, registration of party names, candidate

²² See policy clarification by the DMA regarding on-demand sources and vloggers [here](#).

²³ The Press Council is funded by the Press Council Foundation, which is composed of major print and audio-visual media associations, as well as by professional media organizations.

registration, and election day proceedings. The Administrative Jurisdiction Division of the Council of State reviews appeals related to voter registration, registration of party names and candidate registration.²⁴ There are no expedited deadlines for the resolution of election-related appeals, other than for appeals in candidate registration cases (which must be dealt with in six days), but all cases must be decided within a period of six weeks, in line with general administrative procedures. All decisions of the Council of State are published online.

For other aspects of elections, including campaign finance, campaigning and challenges to the election results, there are no expressly provided by law rules that would allow for a judicial appeal, despite prior ODIHR recommendations. However, civil lawsuits can be filed with courts of first instance.

The results protocols from all PSCs are submitted to the Credentials Committee of the outgoing parliament, which checks the complaints recorded and, in case of serious violations, may decide on a partial or total recount of votes or repeat elections. No ODIHR NAM interlocutors expressed concerns related to electoral dispute resolution mechanism, citing a longstanding tradition of well administered elections and that remedy is rarely needed.

III. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors expressed a high degree of confidence in the electoral process, the ability of contestants to campaign on an equal basis and the management of election day proceedings. ODIHR NAM interlocutors acknowledged the potential usefulness of an external assessment of recent legislative changes regarding campaign finance, as well as the processes of counting, tabulation, verification, and transmission of results, and the structure of the election administration for determining results. However, having noted strong trust in the ability of the election administration to manage the elections in a professional, impartial and transparent manner, ODIHR does not recommend the deployment of an election observation activity for the 22 November 2023 early parliamentary elections. ODIHR considers that issues identified by the stakeholders as potentially benefiting from external scrutiny can be best analyzed through other tools that ODIHR is ready to provide. In this context, ODIHR reaffirms its readiness to support the authorities in future electoral reform processes and encourages the authorities to consider the issues raised during the NAM and in previous ODIHR reports, as well as implement previous ODIHR electoral recommendations.

²⁴ For these elections appeals on the validity of candidate lists must be lodged before 17 October and the Council of State has until 23 October to issue a decision.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Annemijn van de Broek, Head, Security and Defence Department
Myrthe Nolet, Senior Policy Officer

Ministry of the Interior and Kingdom Relations

Erlène Knoopers, Policy Adviser Elections
Aart Verloop, Deputy Head Elections Team
Edward Brühem, Legislative lawyer

Electoral Council

Hans Klok, Secretary Director
Diana van Driel, Team Leader

Council of State

Kees Borman, Judge, Judicial Division
Marcel Rijdsdijk, Registrar

Dutch Media Authority

Marcel Betzel, Senior International Policy Advisor

Leiden Municipality

Menno Geltink, Project Leader Elections

Association of Dutch Municipalities

Karin Huigsloot, Project Manager
Hanneke van Katwijk, Legal Adviser

College of Human Rights

Luna Vollebregt, Policy Adviser
Tim Peute, Researcher

Political Parties²⁵

Adger van Helden, Interim Director, Christian Democratic Appeal
Joost Sneller, MP, Democrats 66
Benjamin van Es, Campaign manager, People's Party for Freedom and Democracy
Arnout Hoekstra, General Secretary, Socialist Party

Media

Hugo van der Parre, Journalist, Dutch Broadcasting Authority

Civil Society

Thijs Hardick, Policy Officer, Association of Disabled Persons Organizations *Ieder(in)*
Marijke Hempenius, Programme Manager, Association of Disabled Persons Organizations *Ieder(in)*
Astrid van Heumen, Chairperson, Dutch Women Council
Daphne Koene, Secretary, Netherlands Press Council
Lionel Martijn, Executive Director, OCAN
Xavier Donker, Communications Officer, OCAN
Anne Valkering, Project Manager, *ProDemos*
Matthijs van Tuijl, Project Manager, *ProDemos*
Marilyn A-Kum, Manager, Reading and Writing Foundation
Jarre Middeljans, Advisor, Reading and Writing Foundation

²⁵ Meetings were requested with all parliamentary parties.