

Establishing a mobile polling station in relation to authorizations

The Government Commissioner has asked how self-quarantined people will be able to vote and whether it would be possible to establish a mobile polling station for those people, which visits the people entitled to vote at the place where they are quarantined (i.e. at home) and enables them to cast their votes. The hypothetical situation is that a person who has received two authorizations is required to self-quarantine at the last moment.

The Ministry of the Interior and Kingdom Relations advises the public body to place a strong focus on this issue in its communications to voters, and to draw their attention to the option of requesting a replacement voting pass if a person wishes to withdraw the private authorization granted. The advice to be given to voters is that the period of time between granting an authorization to the proxy and polling day should be as short as possible. This helps to ensure that the authorization is granted to a healthy proxy who is not unexpectedly required to self-quarantine while several authorizations have been issued.

A mobile polling station that is brought to voters' homes is incompatible with the rules of the Elections Act. A mobile polling station may in fact be established in certain places subject to the requirements from the Elections Act, but this will require voters to leave their homes, and the announcement period has now passed.

How to deal with authorizations

A voter who has answered 'yes' to one of the health check questions is strongly advised not to come to the polling station but to issue an authorization instead. This is also communicated on the flyer sent along with the voting pass.

Once a voter has issued an authorization and the proxy is no longer able to vote in person, the following applies:

- *Private authorizations:*
A voter may undo their private authorization by requesting that the proxy return their voting pass that was converted into an authorization. The voter may then use this voting pass to vote.
If a voter wishes to authorize someone else:
 - A situation where a voter crosses out the proxy's name and places another name on the private authorization is to be avoided, because it cannot be checked whether the signature of the person issuing the authorization pertains to the authorization of the new or the old proxy. The voter may request a replacement voting pass and authorize another person on that voting pass if desired. Written applications for replacement voting passes must be received five days before polling day at the latest. Verbal applications may be made until 12 noon on the day before polling day. A copy of a valid identity document must be shown when an application is made. This will allow the voter to authorize someone else. In that case, it is even more important for the electoral committee to have an up-to-date register of invalid voting passes and to check it meticulously.
- *Written authorizations:* voters may request written authorizations until five days before polling day. Once obtained, a written authorization cannot be withdrawn (Section L 5(1) of the Elections Act).
- If it becomes apparent on polling day that the proxy is unable to cast a vote in person, it is no longer possible to transfer the authorizations this person has received to another person.

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As a result, situations may occur where a voter has issued an authorization but no vote can be cast because neither the person issuing the authorization nor the proxy is able to come to the polling station, or because a written authorization has already been issued. Therefore, voters should be advised to issue authorizations as late as possible.

The question is whether establishing a mobile polling station may be a solution here if it is brought to voters' homes on request.

A typical feature of a mobile polling station is that it is moved. The Elections Act also assumes that it is announced where and when the mobile polling station will be open. Furthermore, a mobile polling station is currently subject to all rules of the Elections Act relating to the establishment of a polling station and to the transparency and auditability of the voting process. This means that every voter is able to vote at a mobile polling station and is also able to observe there.

Establishing a mobile polling station that is brought to voters' homes on request is incompatible with the current rules of the Elections Act. This would require additional safeguards to be included in the Act, for example concerning independent supervision.

Background information

Section J 4a of the Elections Act:

- 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 subsection 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.