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 Facebook: United Sint Maarten Party

Electoral
 Council
 November 4th
 2022

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DATE 4/11/2022

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Parliament of Sint Maarten
 Staten van Sint Maarten

KABINET VAN DE GOUVERNEUR
 VAN SINT MAARTEN
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November 3, 2022

TO: Nathalie Tackling, LL.M
 Chair, Central Voting Bureau
 Philipsburg, Sint Maarten

RECEIVED:
 DATE: 11/4/2022
 SIGN: C. S. ROEBLIN

Copies hereof to be forwarded to:

- His Excellency the Governor of Sint Maarten Ajamu G. Baly
- The Council of Ministers
- The Parliament of Sint Maarten
- The Electoral Council

Re: Inquiry (or Request for Information) into Parliamentary seats assigned to the United Sint Maarten political party based on the results of January 14, 2020, Parliamentary Election.

: Sentiments in Parliament that the United Sint Maarten Political party supports the National Alliance / United Peoples Party (minority) coalition in Parliament.

Dear Ms. Tackling,

This inquiry relates to the 2 Parliamentary seats that have been assigned to the United Sint Maarten Party as of the last Parliamentary election, January 14, 2020, based on the proportionality of the electorates votes received thereafter confirmed and presented in a verbal process, issued by the Central Voting Bureau, which was enacted by Ministerial Regulation.

Notable, with reference to the Constitution of Sint Maarten (AB 2010, GT no. 1), Article 47.1 our election system is based on a system of "proportional representation". In principle it's an "an election system designed to appropriate the ideal of proportionality in converting citizens' votes into legislative seats". Thereto, unambiguously explained in the Explanatory Notes of the Constitution that "a party that wins 10% of the votes in the election will also hold 10% of the seats (in Parliament)". (See *Constitutions of Sint Maarten Explanatory Notes, Article 47: Election of Members of Parliament, paragraph 2.*)

Bearing in mind that the United Sint Maarten Party won 13% (1762) of the votes in the last Parliamentary election, it ought to translate proportionally into 2 elected representative seats in Parliament. However, at present the United Sint Maarten Party has **zero** elected representative seats in Parliament which is seemingly clearly in violation of Article 47.1 of the Constitution of Sint Maarten.

In addition, we reject the apparent false claim in Parliament and reported in the Monday, October 31, 2022 issue of the Daily Herald (article titled: *Grisha says she no longer supports Jacobs II cabinet*, on page) that "Government is supported by one USP [US Party] faction and one independent faction" in Parliament. Be it known that since March 2022 the Member of Parliament referred to here (MP Chanel Brownbill) has been expelled from the United Sint Maarten Party and is **not** an elected representative of the United Sint Maarten Party. This was also made public in the newspaper and via radio outlets. MP Brownbill has no authority to negotiate on behalf of the United Sint Maarten Party, irrespective of the so-called "new coalition" agreement or the entioned Addendum with the National Alliance and the United Peoples Party that was made mentioned to were MP Brownbill signature is affixed to it.

This inquiry is being submitted based upon the above-mentioned and the statutory responsibility of the Central Voting Bureau, i.e., "to execute the voting and election procedures as stipulated and regulated in the Election Ordinance" and "to ensure that the entire election process, which includes the postulation, the voting and the determination of the outcome of the election, is conducted in accordance with the applicable laws".

Respectfully, adherence to Articles 87(2), 87(3), 89(3), and 90 of the Election Ordinance, respectively and further ensure the restoration of the 2 assigned elected representative seats in Parliament under the auspices of the United Sint Maarten Party in accordance with the results of January 14, 2020, Parliamentary Election, drawn up in a process-verbal and enacted by Ministerial Regulation is hereby sought. An expeditious response within two weeks is requested.

The absence of a timely response as specified above, would leave the United Sint Maarten Party with no other alternative than to seek clarity from the Kingdom (Council of Ministers) with respect to this electorate proportional democratic representation anomaly. Considering that the Kingdom is charged with "good governance" in its constituent states or intervening "if one of the constituent states does not adequately perform those duties or provide for those matters, which normally fall within the scope of their administrative task." (Article 51, Annex II, Explanatory Memorandum of the Charter for the Kingdom (of the Netherlands))

Respectfully,


Ms. Pamela Gordon-Carty, (*Leader*)
United Sint Maarten Party


Mr. Cecil Nicolas, (*President*)
United Sint Maarten Party


Mr Khalil Revan (*Secretary*)
United Sint Maarten Party