

TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 10)

Election Ordinance¹

Chapter 1. General provision

Article 1

1. The following definitions apply for the purposes of the application of this national ordinance and the regulations for its implementation:
 - a. Parliament: the Parliament of Sint Maarten;
 - b. residents: persons who are domiciled in Sint Maarten;
 - c. central electoral committee: the central electoral committee appointed according to this national ordinance for the election of the Members of Parliament;
 - d. political party: an association with full legal capacity established in Sint Maarten, with the objective of contributing towards the formation of views on political and social developments, the promotion of the political interest of the citizens and the selection and nomination of candidates for the election of the Members of Parliament.
2. For the purposes of the application of this national ordinance and the regulations for its implementation, persons registered as residents with an address in the basic administration of personal records are deemed to be domiciled in Sint Maarten.

Chapter 2. Right to vote

Article 2

Members of Parliament are elected directly by persons who, on the thirtieth day prior to that of the submission of nominations referred to in Article 21, are residents of Sint Maarten, hold Dutch nationality and on the date of the election, have reached the age of 18.

Article 3

Persons who have been disenfranchised pursuant to Article 48(2) of the Constitution of Sint Maarten are excluded from the right to vote.

Chapter 3. The electoral register

Article 4

An electoral register shall be maintained, provided for by the Minister of General Affairs, listing the persons recorded in the basic administration of personal records who are entitled to vote.

Article 5

The electoral register shall be kept in the form of a file accessible electronically, containing the details of every voter.

Article 6

For each voter, the surname, first names, the place and date of birth, the address and the number of the polling district to which the voter belongs shall be recorded in the electoral register. Married women and widows shall be recorded in the electoral register under the name of their husbands or late husbands, adding their maiden name preceded by the term 'born' or an abbreviation of that term.

Article 7

¹ This issuance takes place on the basis of the additional Article II of the Constitution.

1. Every exclusion from exercising the right to vote as referred to in Article 3 takes place on the notification of the Minister of Justice, stating the surname, first names, address, date and place of birth and the term of the exclusion. Similar notification shall take place of the restoration of the right to vote and of every granting of Dutch nationality. The Minister of General Affairs shall make provision for a record of the said notification to be kept in the electoral register.
2. Following receipt of the notice referred to in the first paragraph, the Minister of General Affairs shall notify the person concerned of his exclusion and the term thereof by registered mail.

Article 8

The Minister of General Affairs is required, free of charge on request, to provide all members of the public with the information in the electoral register from which they can determine whether they or another person, provided that they are authorised for that purpose, are correctly recorded in the register.

Article 9

1. All persons have the right at all times to petition the court of first instance for an addition to or improvement of the electoral register, on the grounds that they, or another person, provided that they are authorised for that purpose, have or have not been included in the register, or have not been included correctly, in contravention of the provisions of this national ordinance. A form that is available free of charge from the manager of the basic administration of personal records shall be used for the purpose of the petition.
2. Regardless of the authorisation referred to in the first paragraph, in a year in which an election is held, the provisions of the second sentence of Article 39(2) apply with regard to every petition submitted no later than the fifth day following the date referred to in the first sentence of the said paragraph.

Article 10

1. If the petition for an improvement of the electoral register concerns a person other than the petitioner, the clerk of the Court of first instance shall notify that other person no later than one day following the date of the receipt of the petition, by registered mail.
2. The petition for an improvement of the electoral register shall be sent to the clerk of the Court of first instance without delay and shall be available for public inspection there for three days.
3. For no more than three days following the expiration of the term referred to in the second paragraph, all persons are authorised to contest the petition. The challenge to the petition shall be submitted to the court in writing.
4. The court may order the provision of further evidence or the hearing of the parties.
5. No more than 18 days following the submission of the petition, the court shall hand down a decision and, if the decision leads to this, order an addition to or improvement of the electoral register. No appeal is open against the decision of the court.
6. By national decree, containing general measures, the form and structure of a petition for an addition to or improvement of the electoral register, as referred to in Article 9, shall be enacted.

Article 11

1. The clerk of the court shall notify the Minister of General Affairs of decisions of the court as referred to in Article 10(5) within three times 24 hours.
2. The Minister of General Affairs shall provide for the amendment of the electoral register in accordance with such decisions without delay.

Chapter 4. The central electoral committee

Article 12

1. There shall be a central electoral committee. The central electoral committee operates independently of Parliament and of the government. Following consultation of the central electoral committee, Parliament shall provide all facilities for the effective and independent performance of its task.

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2. The central electoral committee consists of five members, including a chairman and a deputy chairman. There are also two deputy members.
3. The chairman, the deputy chairman, the members and the deputy members are appointed by national decree on the basis of their expertise and experience, on the nomination of the appointment committee. They are appointed for a term of seven years and may be reappointed on one occasion.
4. The appointment committee consists of the president of the Common Court of Justice of Aruba, Curacao and Sint Maarten, and Bonaire, Sint Eustatius and Saba, the vice chairman of the Council of Advice and the chairman of the General Audit Chamber.
5. The appointments referred to in paragraph 3 shall take place at least 30 days before the date set for the nomination of candidates. On the date on which the new members and deputy members are appointed, the serving members and deputy members shall step down. Persons appointed to fill a vacancy that has arisen shall step down on the date on which the person in whose place he was appointed was due to step down.
6. The Minister of General Affairs shall designate a location for conducting the sessions of the central electoral committee.

Article 13

1. For appointment as a member or deputy member of the central electoral committee, candidates must be residents of Sint Maarten and hold Dutch nationality, and must not be disenfranchised.
2. Members and deputy members of the central electoral committee may not simultaneously serve as:
 - a. member of the General Audit Chamber;
 - b. minister;
 - c. Minister Plenipotentiary;
 - d. member of the judiciary;
 - e. Attorney-general or Solicitor-General of the Common Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba;
 - f. Member of Parliament;
 - g. the Ombudsman;
 - h. member of the Council of Advice;
 - i. member of the Electoral Council referred to in Article 3 of the National ordinance registration and finances of political parties.
3. Furthermore, a member or deputy member of the central electoral committee shall not hold a position or office, the performance of which is undesirable in the interests of good performance of his office or the maintenance of his impartiality and independence, or of confidence therein.

Article 14

1. Spouses and relatives by blood or affinity to the second degree may not serve as members or deputy members of the central electoral committee at the same time.
2. If a marriage is not entered into until after the appointment, the youngest spouse shall resign his or her office.
3. In the event of forthcoming kinship following an appointment, a person whose marriage gives rise to the kinship shall resign his appointment.
4. Kinship ceases to exist through the dissolution or nullification of the marriage that gave rise to it.

Article 15

Before accepting their appointment, members and deputy members of the central electoral committee shall take the following oath of office (declaration or solemn affirmation) before the Governor:

'I swear (declare) that I shall not accept any pledge or gift of any description from any person whatsoever, directly or indirectly, in order to take or refrain from any action of any description in this position.

I swear (affirm) my loyalty to the Monarch and the Charter for the Kingdom, that I shall help to uphold the Constitution of Sint Maarten and shall support the welfare of Sint Maarten to the best of my ability.

So help me God Almighty

(This I declare and affirm)!'

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Article 16

1. Members and deputy members of the central electoral Council shall be suspended by national decree, at the proposal of the appointment committee, stating the reasons:
 - a. if they are held in pre-trial detention;
 - b. if a pre-trial judicial investigation is opened against them in relation to a criminal offence;
 - c. if they are convicted of a criminal offence by a judicial decision that has not become final, or if a measure resulting in the deprivation of their liberty is imposed by such a decision;
 - d. if they are placed under tutelage, declared bankrupt, are granted a moratorium on payments or are committed in relation to debt by a judicial decision that has not become final.
2. Members and deputy members of the central electoral committee may be suspended by national decree, at the proposal of the appointment committee, stating the reasons, if there are other serious suspicions of the existence of facts or circumstances that could lead to their dismissal, other than in the cases referred to in Article 17(1)(a) and 17(1)(b).

Article 17

1. Members and deputy members of the central electoral committee shall be dismissed by national decree, at the proposal of the appointment committee, stating the reasons:
 - a. at their own request;
 - b. on reaching the age of 70;
 - c. if they are convicted of a criminal offence by a judicial decision that has become final, or if a measure resulting in the deprivation of their liberty is imposed by such a decision;
 - d. if they are placed under tutelage, declared bankrupt, are granted a moratorium on payments or are committed in relation to debt by a final judicial decision;
 - e. if they become permanently unable to perform their official duties due to illness or a disorder;
 - f. on acceptance of an office or position that is incompatible with membership of the central electoral committee pursuant to Article 13;
 - g. on the loss of domicile or Dutch nationality or on disenfranchisement.
2. Members and deputy members of the central electoral committee may be dismissed by national decree, at the proposal of the appointment committee, stating the reasons, if they are unable to perform their official duties properly due to persistent illness or geriatric complaints.

Article 18

If there is an intention to suspend or dismiss a member or deputy member of the central electoral committee, other than in the cases referred to in Article 17(1)(a) and 17(1)(b), the person concerned shall be given an opportunity to present his views on this.

Article 19

The financial provisions for members and deputy members of the central electoral committee shall be regulated by national decree, containing general measures.

Article 20

Resolutions of the central electoral committee are carried by a majority of no less than two thirds of the votes of the serving members.

Chapter 5. Nomination

Article 21

The date for the nomination of candidates for the election of Members of Parliament shall be enacted by national decree on the proposal of the Minister of General Affairs, on a date between the ninetieth and eightieth day before the end of the parliamentary term, or before the date on which Parliament will be dissolved.

Article 22

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1. On the date of the nomination of candidates, political parties registered with the Electoral Council referred to in Article 3 of the National ordinance registration and finances of political parties may submit lists of candidates to the chairman of the central electoral committee or to a member of that committee to be designated by the chairman, at the location where the committee is established, between 9.00 a.m. and 4.00 p.m. Forms that are available from the Census Office free of charge shall be used for these lists.
2. Lists shall be delivered in person by the authorised representative or deputy authorised representative of the party, as registered with the central electoral committee, accompanied by the proof of registration and by the description of the political party at the Electoral Council, as referred to in Article 24(1) of the National ordinance registration and finances of political parties. Candidates may attend the delivery.
3. The chairman of the central electoral committee or the member of that committee designated in accordance with paragraph 1 shall hand a receipt to the person who delivers the list. The time of delivery shall be recorded on the list and on the receipt.
4. Three weeks prior to the date for the nomination of candidates, the provisions of paragraph 1 shall be published by or on behalf of the chairman of the central electoral committee.
5. The form and design of the list of candidates shall be enacted by national decree, containing general measures.

Article 23

1. Each list of candidates must be supported by a number of voters equal to 1% of the voting figures recorded by the central electoral committee at the last election held, rounded up to a whole number.
2. The support referred to in paragraph 1 shall be shown by the placement of signatures on each list of candidates by the voters referred to in Article 39(2) at the Census Office during the day following that of the submission of the lists, from 9.00 a.m. to 4.00 p.m.
3. One and the same voter may not sign more than one list or copy thereof.
4. The obligation referred to in paragraph 1 does not apply with regard to a list of candidates of a political party to which one or more seats in Parliament were assigned at the last election held.
5. The support referred to in paragraph 1 is permissible only from persons authorised to take part in this as voters and who can provide proof of identity through:
 - a. a valid identity card within the meaning of Article 1 of de National ordinance identity cards (P.B. 1965, No. 17);
 - b. a valid passport;
 - c. a valid driver's licence;
 - d. any valid proof of identity to be designated by another national decree, containing general measures.

Article 24

1. Candidates are placed on the list, stating their name, initials, date of birth and domicile and address, in the sequence to which preference is given by the persons on behalf of whom the list is delivered. Initials may be replaced, fully or partially, by first names.
2. If a candidate is a married woman or widow, she shall be included in the list with the name of her husband or late husband, adding her maiden name, preceded by the term 'born' or an abbreviation thereof, or with her maiden name only.
3. A list of candidates may contain at most eight more candidates than the number of members to be elected.
4. The name of one and the same candidate may not appear on more than one of the lists submitted to the central electoral committee.
5. The description of the party, as registered with the Electoral Council, within the meaning of Article 4(1) of the National ordinance registration and finances of political parties, is placed at the top of the list.

Article 25

1. The written declaration of every candidate on the list, declaring their consent to nomination on that list, will be handed in together with the list. A form available free of charge from the Census

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Office shall be used for that declaration. The form and the format of that declaration shall be enacted by national decree, containing general measures. If the candidate is located outside Sint Maarten, the declaration is not bound by any form and may also be made by means other than handing in. The declaration of consent handed in cannot be withdrawn.

2. The following shall also be submitted with the list referred to in paragraph 1:
 - a. a declaration by or on behalf of the chairman of the central electoral committee that the candidate has the right to stand for election pursuant to Article 39(2);
 - b. a written declaration within the meaning of Article 26(1);
 - c. a black and white photograph measuring four by six centimetres, presenting a clear and faithful image of the highest-placed candidate.

Article 26

1. For each list to be submitted, a sum of ANG 2,000 must be deposited at the offices of the recipient in the name of one of the persons recorded in the electoral register. The recipient shall issue a written receipt for this deposit. This receipt shall be handed in on the submission of the list.
2. Following the determination of the election result, the amount referred to in paragraph 1 shall be returned to the entitled person, unless:
 - a. the list for which the amount was deposited is declared invalid;
 - b. the voting figure for the list for which the amount is deposited is less than the electoral quota referred to in Article 95.
3. If the deposited amount is not refunded to the person in whose name it was deposited, it reverts to the national treasury.
4. The form and content of the receipt referred to in paragraph 1 shall be enacted by national decree, containing general measures.

Article 27

1. Within eight days of the publication of the election result in accordance with Article 102, the chairman of the central electoral committee shall send the recipient a statement of the amounts to be refunded and the amounts that revert to the national treasury.
2. The refund by the recipient shall take place within eight days of the receipt of a request to that effect from the interested party.

Article 28

1. On the third day following the expiration of the term referred to in Article 23(2), the central electoral committee shall conduct a session to examine the candidate lists.
2. If the examination reveals one or more of the following omissions, the central electoral committee shall notify the persons who submitted the list, by registered mail or for a signed receipt, no later than the following day:
 - a. that the list is not supported by the required number of authorised voters; in the assessment of whether a list meets this requirement, the signatories who have signed more than one list or copy of a list shall be disregarded;
 - b. that the surname, first names or initials, date of birth or domicile and address of a candidate are not recorded;
 - c. that a married woman or widow on the list is not recorded in accordance with the provisions of Article 24(2);
 - d. that a candidate's declaration that he consents to his nomination on the list has not been provided;
 - e. that in the opinion of the central electoral committee, the photograph provided does not comply with the requirements of Article 25(c); in observance of paragraphs 3 and 4 of this Article, the central electoral committee shall grant the person who submitted the photograph an opportunity to submit a new photograph; if, in the opinion of the central electoral committee, the new photograph also fails to comply with the requirements set, the central electoral committee shall decide at its session as referred to in Article 36(1), that the list in question will be printed on the ballot paper referred to in Article 56(1) without a photograph;
 - f. that no description of the political party has been placed above the list, or the description differs from the registered description.

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3. Within three days of the date on which the notification is issued, the person who submitted the list may correct the omission described in the notice before the central electoral committee.
4. If the person who submitted the list is absent or indisposed, one of the candidates on the list shall deputise for him, in the order in which they appear on the list.

Article 29

Immediately after the lists have been examined by the central electoral committee, the chairman shall make them available for public inspection at the Census Office.

Article 30

No later than the day after the date of the expiration of the term referred to in Article 28(3), the central electoral committee shall decide at a public session on the validity of the lists, the maintenance of the candidates included in those lists and on the maintenance of the description of a political party at the top of each list. The date and time of the session will be publicised by or on behalf of the chairman.

Article 31

A list is invalid when:

- a. it is not submitted to the chairman of the central electoral committee or to the member designated by the chairman on the nomination date between 9.00 a.m. and 4.00 p.m.;
- b. it is not supported by the required number of authorised voters;
- c. it does not comply with the provisions regarding form and design regulated by national decree, containing general measures;
- d. it is not submitted personally by one of the persons referred to in Article 22(2);
- e. all candidates on it have been scrapped through the application of Article 32;
- f. the declaration prescribed in Article 26(1) has not been added;
- g. no description is placed on it or a description that differs from the description registered with the Electoral Council.

Article 32

1. The central electoral committee shall delete from the list the names of candidates who do not comply with the requirements regarding qualification to stand for election or who are excluded from standing for election according to the provisions of the Constitution.
2. The central electoral committee shall also delete from the list, in the sequence followed in this Article, the names of a candidate:
 - a. who is not listed with his surname, first names or initials, date of birth and domicile and address;
 - b. who, as a married woman or widow, is not listed in compliance with Article 24(2);
 - c. for whom the declaration of consent to nomination has not been submitted;
 - d. for whom the declaration referred to in Article 25(a) has not been submitted;
 - e. who appears on more than one list submitted to the central electoral committee;
 - f. regarding whom an extract from the register of deaths has been submitted;
 - g. who appears on the list after the maximum permitted number of candidates.

Article 33

1. Within two days of the date on which the central electoral committee decides on the validity of the lists, the maintenance of the candidates appearing on the lists and on the maintenance of the descriptions of political parties placed at the top of the lists, any voter may appeal that decision before the Court of first instance.
2. If an appeal is filed against a decision in which the central electoral committee declared a list to be invalid or deleted a candidate on the grounds of an omission as referred to in Article 28(2), without the central electoral committee issuing notice to the person who submitted the list of the existence of that omission in advance, the omission may still be corrected by that person at the Department of the Clerk of the Court of first instance.

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Article 34

1. The court shall hear the appeal in a public session to be held within 14 days of the date on which the appeal is received.
2. The clerk of the court shall notify the appellant, the person who submitted the list and the central electoral committee of the date and time of the session without delay. During the hearing, the appellant may explain the appeal; the chairman or another member of the central electoral committee may explain the decision of the committee in further detail.

Article 35

1. The court shall decide on the appeal no later than on the third day following the session referred to in Article 34. No further appeal may be filed against the decision of the court.
2. The clerk of the court shall notify the appellant, the person who submitted the list and the central electoral committee of the decision without delay.

Article 36

1. Unless one of the cases referred to in Article 93 arises, the central electoral committee shall number the lists in the sequence designated by lot in a session open to voters, as soon as the term for appeal referred to in Article 33 has expired or, in the event of an appeal, the central electoral committee has been notified of the decision of the court.
2. During that session, the persons who submitted lists, or one of the candidates referred to in Article 28(4), may notify the chairman of the central electoral committee in writing of their preferred colour for that list. A receipt will be handed over by or on behalf of the chairman of the central electoral committee to the person who submitted the notice. The only colours that may be chosen are those announced for each election by an administrative decision of the Minister of General Affairs, at least 14 days prior to the date of the nominations. As soon as possible, the chairman of the central electoral committee will send a copy of this administrative decision to the persons who submitted the lists of candidates. The list(s) for which a colour preference has been notified will be assigned that colour. If the same colour is selected in two or more notices, that colour will be assigned to the list to which that colour was assigned in the last election held or, if this was not the case, the decision shall be made by lot. Colours will be assigned to the other list(s) concerned and to the list(s) for which no notice of colour preference was submitted, by lot. The lots will be drawn at the session of the central electoral committee referred to in paragraph 1 of this Article.
3. The date and time of the session of the central electoral committee referred to in paragraph 1 and the possibility of submitting a notice as referred to in paragraph 2 shall be publicised in advance.

Article 37

1. The central electoral committee shall publicise the lists at the earliest opportunity.
2. The publication shall take place by making the lists of candidates available for public inspection at the manager of the basic administration of personal records. The chairman of the central electoral committee shall publicise the fact that the lists are available for public inspection at the same time.

Article 38

A procès-verbal shall be drawn up of the sessions of the central electoral committee referred to in this chapter.

Chapter 6. Voting

Article 39

1. If a vote is necessary for the election, this shall take place only in relation to the lists declared valid and the candidates appearing in these lists.
2. Only persons who are recorded in the electoral register on the thirtieth day prior to the date of the nominations, as referred to in Article 21, may vote. Court decisions handed down between the

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forementioned date and the day prior to the date of the nominations shall be observed in that regard, in compliance with the provisions of Article 11(2).

3. Voters shall cast their votes at the polling station of the polling district to which they are assigned.

Article 40

The date of voting for the election of Members of Parliament shall be enacted by national decree on the proposal of the Minister of General Affairs, in such a manner that at least 48 days lie between the date of the nominations and that of voting.

Article 41

The country shall be divided into polling districts by national decree, containing general measures. As a rule, a polling district shall not contain more than 1,500 voters.

Article 42

1. There shall be an electoral committee for each polling district.
2. Each electoral committee shall consist of three members, including a chairman. The chairman is the first member of the electoral committee and one of the two members shall be

appointed as the second member and one as the third member of the electoral committee. Furthermore, at least two deputy members shall be appointed for the committee.

3. The chairman, members and deputy members of the electoral committees shall be appointed by the Minister of General Affairs from among the enfranchised residents.
4. The appointment referred to in paragraph 3 shall take place in good time before the voting date, with simultaneous resignation of the serving chairman, members and deputy members.
5. The financial provisions for the members and deputy members of the electoral committee shall be regulated by national decree, containing general measures.

Article 43

1. At least eight days prior to the voting date, every voter authorised to vote shall receive a polling card from the Head of the Census Office, calling on them to vote. This card shall state:
 - a. that a parliamentary election shall take place;
 - b. the surname, first names, date and place of birth and address of the voter;
 - c. the number under which the voter appears in the copy of or extract from the electoral register to be used in the vote;
 - d. the number of the polling district to which the voter is assigned;
 - e. the address of the polling station for that polling district;
 - f. the date and times at which voting will take place.
2. The form, design and colour of the polling card shall be enacted by national decree, containing general measures.
3. The voters shall be notified of the lists of candidates by showing these lists on the polling cards or by sending these to the address of the voters in printed form, at the same time as the polling card or otherwise, at least eight days prior to the date of the vote, or by displaying these in printed form at the entrance to the polling station on the day of the vote. These lists shall state the surnames and first names or initials of the candidates, as well as the descriptions of the political parties and the list numbers. With the name of each candidate, the number showing his rank on the list shall also be shown on the list concerned.
4. Voters entitled to vote, who have been sent a polling card but whose polling card has been lost or was not received, shall be issued with a new polling card by the head of department referred to in paragraph 1 on request, provided that they can provide adequate proof of identity. The electoral committee is also authorised to issue such cards.
5. At least three days prior to the date of the vote, the Minister of General Affairs shall announce the date and times at which voting will take place and the contents of Articles 131, 132, 133, 134 and 135 of the Criminal Code of Sint Maarten.

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Voting shall commence at 8.00 a.m. and shall continue until 8.00 p.m.

Article 45

Every employer is required to ensure that every voter in its employ has an opportunity to vote, to the extent that this cannot take place within the established working hours and provided that the voter is not prevented from performing his work by this for more than two hours.

Article 46

The board and management of an institution for medical treatment, nursing or care shall give persons admitted to that institution who are entitled to vote an opportunity to do so, provided that there are no objections on medical grounds to voting by the person concerned.

Article 47

1. The chairman, members or deputy members in office on the opening of the session of the electoral committee shall take part in voting at this electoral committee.
2. If, according to the electoral register, they are assigned to a different polling district, the casting of their votes will be included in the procès-verbal of the session.

Article 48

1. The chairman and two members of the electoral committee shall be present at all times during the session.
2. If the chairman is absent, those members shall deputise for him, by order of appointment.
3. If a member is absent, a deputy member designated by the chairman shall deputise for him.
4. While no deputy member is available, the chairman shall request voters present in the polling station that he regards as suitable for that purpose to serve as such until a deputy member is available.
5. Changes in the membership of the electoral committee shall be noted in the official process-verbal, stating the reasons for this and the date of the replacement.

Article 49

If votes are tied regarding a decision by the electoral committee, the chairman has the casting vote.

Article 50

In the performance of their duties, members of the electoral committee shall not reveal their political views in any way.

Article 51

The Minister of General Affairs shall designate suitable accommodation for each polling district. The Head of the Census Office shall provide for the layout of the polling station, in such a manner that the confidentiality of votes is assured.

Article 52

1. The polling station shall contain a table for the electoral committee, a ballot box and one or more entirely separate polling booths, or one or more voting machines.
2. Access to the polling booths must be visible to the public.
3. Each polling booth will contain a guide for the voter. A model for the guide shall be enacted by ministerial regulation.
4. The table for the electoral committee shall be positioned so that voters can observe the actions of the electoral committee.

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Article 53

1. A copy of the data from the electoral register, containing a numbered list of the voters authorised to vote in the polling district, shall be placed on the table for the electoral committee. The data contained in this list shall be enacted by national decree, containing general measures.
2. Each electoral committee shall have a copy of the statutory provisions relating to voting.

Article 54

1. The ballot box, produced in accordance with regulations to be enacted by national decree, containing general measures, shall stand next to the table, within reach of the member of the electoral committee who ensures that the voter places the ballot paper in the ballot box.
2. The electoral committee shall close the ballot box in good time before the start, having assured itself that the box is empty.

Article 55

Further rules concerning the layout of polling stations may be enacted by national decree, containing general measures.

Article 56

1. The description of the political party and the lists of the candidates for which votes can be cast, as notified to the voters, shall be printed on one side of the ballot paper to be used for the election and the signature of the chairman of the central electoral committee on the other. The side on which the signature of the chairman of the central electoral committee is printed may state that this concerns elections for the Parliament of Sint Maarten and a specification of the constituency.
2. A model for the ballot paper shall be enacted by ministerial regulation.

Article 57

1. The Head of the Census Office shall determine the number of ballot papers required, taking account of the fact that ballot papers must be available for each electoral committee for the number of voters authorised to vote in the polling district plus at least two per hundred.
2. The head of department referred to in paragraph 1 shall ensure that the necessary ballot papers are available to each electoral committee before voting commences.
3. The ballot papers shall be sent to the electoral committee in one or more sealed packages, each showing the number of the polling district and the number of ballot papers that it contains.

Article 58

The electoral committee shall open the packages containing ballot papers in good time before voting commences and shall determine the number of ballot papers.

Article 59

Voting machines may be used instead of ballot papers. In that case, the provisions of this national ordinance that concern the use of ballot papers shall not apply.

Article 60

1. A voting machine may be used only if it is of a brand and type approved by the Minister of General Affairs, with no alterations. Approval is granted only if at least the following conditions are met:
 - a. the machine must be set up to assure the confidentiality of voting;
 - b. the machine must be of sound make and must be operable by the voter simply and without risk of malfunctions or inadequate functioning;

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- c. the lists of candidates, the number assigned to each list, the description of the political party at the top of each list and in cases arising, the colour print shall be clearly shown in the operating panel of the machine;
 - d. the machine must be set up in such a way that voters can vote only once and will have an opportunity to correct errors made.
2. Approval may be made subject to conditions. Approval shall be announced in the National Gazette.

Article 61

1. The operating panel of voting machines to be used in the election shall show the lists of the candidates for which votes may be cast, as notified to the voters.
2. The further layout of the operating panel shall be regulated by national decree, containing general measures.

Article 62

1. The Head of the Census Office shall ensure that the voting machines are set up in good time before the election and are installed in the designated polling stations before the commencement of voting.
2. Polling stations shall contain an appliance with which voters can be instructed in the use of the voting machine.

Article 63

1. Before the commencement of voting, the electoral committee shall confirm that the voting machine is ready for use. If necessary, it shall set the counters at zero.
2. The chairman shall provide for locking of the area in which the counters are located. He shall also ensure that at the start of voting, the button or lever with which the machine is made ready for voters is accessible or unlocked.

Article 64

All other matters concerning the use of voting machines shall be regulated by national decree, containing general measures. With regard to electoral committees that use more than one voting machine, derogation from the provisions of this national ordinance number and duties of the electoral committee members is possible.

Article 65

Only persons authorised to vote in the elections shall be permitted to vote, providing that they possess the prescribed polling card and can show proof of identity by means of evidence as referred to in Article 23(5).

Article 66

1. The voter shall hand the polling card to the chairman of the electoral committee.
2. The chairman shall clearly state the number under which the voter appears in the copy of or extract from the electoral register according to the polling card.
3. The second member of the electoral committee shall state the name shown in the copy of or extract from the electoral register for the number stated by the chairman. The chairman shall check the name against the polling card.
4. The second member of the electoral committee shall record that the voter has reported for voting by placing his initials next to the voter's name in the copy of or extract from the electoral register.
5. The chairman shall then hand the voter a ballot paper, folded so that the signature of the chairman of the central electoral committee is visible.
6. The chairman shall keep a record of the number of ballot papers issued and of the number of voters that refuse to take receipt of a ballot paper.
7. If a voting machine is used, the chairman shall allow the voter to use the machine to cast his vote. To that end, the machine will be made ready by the third member of the electoral committee, on the instruction of the chairman, by means of a button or lever.

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8. The chairman shall keep a record of the number of voters who refuse to use the voting machine.

Article 67

1. Following receipt of the ballot paper, the voter goes to a polling booth that is not in use and votes by using a red pencil to mark a white box in the voting column alongside the name of the candidate of his choice.
2. The voter then folds the ballot paper in such a way that the names of the candidates are not visible and immediately takes this to the ballot box.
3. The third member of the electoral committee, without taking hold of the ballot paper, assures himself that it contains the signature of the chairman of the central electoral committee and instructs the voter to place the ballot paper in the ballot box. He keeps a record of the number of ballot papers placed in the ballot box.

Article 68

1. If the voter makes a mistake in completing the ballot paper, he returns this to the chairman. The chairman will issue him with a new ballot paper on request, on one occasion only.
2. The chairman immediately makes returned ballot papers unusable by stamping the word 'unusable' on both sides of the ballot paper.

Article 69

If the electoral committee observes that a voter requires assistance due to his physical condition, the voter may provide for support.

Article 70

1. A voter who fails to comply with the statutory provisions concerning voting following a warning will not be admitted to the ballot box and is required to return the ballot paper if this has already been handed to him.
2. A voter admitted to the polling booth who refuses to place the ballot paper in the ballot box is required to return the ballot paper.
3. Article 68(2) applies.
4. If a voter refuses to return the ballot paper, the chairman shall make a note of this, recording the name and the number shown on the polling card
5. If a voting machine is used, a voter who, after a warning, fails to comply with the statutory requirements concerning voting is barred from the use or further use of the machine.
6. If a voter sets the machine for a particular candidate but leaves without recording his vote, the third member of the electoral committee shall return the machine to the starting status without performing the actions required in order to record a vote.

Article 71

1. During the time that the electoral committee is in session, voters are authorised to stay in the polling station, to the extent that this does not disturb public order or obstruct the progress of the session.
2. The voters present in the polling station may submit objections orally if voting does not take place in accordance with the statutory requirements.
3. The objections will be reported in the procès-verbal of the session of the electoral committee.

Article 72

No activities that are intended to influence the choice of the voters shall take place in the polling station.

Article 73

The chairman is responsible for maintaining public order in the polling station during the session. He may request support for this from the Minister of Justice.

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Article 74

1. If, in the view of the electoral committee, circumstances arise in or near the polling station that make the proper progress of the session impossible, the chairman shall declare this. The session is thereupon suspended. The chairman shall notify the Minister of General Affairs of this without delay who will then determine when and where the session will be resumed.
2. Further rules regarding this shall be imposed by or pursuant to an order, containing general measures.

Article 75

1. As soon as the time set for voting has expired, this will be announced by the chairman and only the voters who are present in or at the door of the polling station at the time of that announcement will still be admitted to vote. After the last of the voters has voted, the opening of the ballot box will be closed and sealed.
2. If a voting machine is used, the chairman will then close or lock the button or lever used to make the machine ready for use by voters.
3. Immediately after voting has ended, the electoral committee shall determine:
 - a. the number of voters who reported for voting;
 - b. the number of ballot papers issued;
 - c. the number of ballot papers placed in the ballot box;
 - d. the number of voters who refused to take receipt of a ballot paper;
 - e. the number of ballot papers returned and made unusable;
 - f. the number of unused ballot papers.
4. If a voting machine is used, the electoral committee shall immediately determine:
 - a. the number of voters who reported for voting;
 - b. the number of voters who made use of the voting machine;
 - c. the number of voters who refused to use the voting machine.
5. The chairman shall announce the numbers referred to in the third or fourth paragraph to the voters present.

Article 76

1. The electoral committee shall then report and certify the number of initials placed on the copy of or extract from the electoral register. This copy or extract shall be placed in a package to be sealed separately.
2. Finally, the following shall be packaged in the same manner:
 - a. the unused ballot papers;
 - b. the returned ballot papers made unusable;
 - c. the polling cards handed in.

Article 77

1. Immediately after the sealing prescribed in Article 76, the ballot box shall be opened.
2. By derogation from the provisions of paragraph 1, the electoral committee may leave a space of no more than one hour between the sealing and the opening of the ballot box, provided that the polling station is not left and the ballot box is kept under supervision.
3. If this power is used, this will be noted in the procès-verbal of the vote, as will the compliance with the conditions set for this.

Article 78

The ballot papers shall be mixed and counted and their number shall be compared with the number of voters who took part in the vote.

Article 79

1. The members of the electoral committee shall open the ballot papers and combine these by list. They may use the support of deputy members for this work.

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2. The chairman then reports the name of the candidate for whom a vote has been cast, by list, for each ballot paper.
3. Both the other members keep notes of each vote cast, after the oldest of them has examined the ballot paper.

Article 80

With regard to each list, the electoral committee determines:

- a. the number of votes cast for each candidate;
- b. the total number of votes, as referred to in paragraph a.

Article 81

1. Ballot papers other than those that may be used by or pursuant to the provisions of this national ordinance are invalid.
2. The following ballot papers are also invalid:
 - a. those in which no white box has been coloured red in any voting column;
 - b. those in which a white box has been coloured red in more than one voting column;
 - c. those in which the voter has cast a vote by means other than with red pencil;
 - d. those in which additions have been made or which contain an indication of the voter;
 - e. those that do not contain the prescribed signature.
3. A white box that has been partially coloured red in the voting column next to the name of a candidate is deemed to have been fully coloured red if this appears to be consistent with the intention of the voter.

Article 82

1. The electoral committee decides on the validity of the ballot paper, in observance of Article 81.
2. The chairman immediately announces the reason for a declaration of invalidity and for doubts regarding validity, as well as the decision in that regard.
3. Both the other members keep notes of each ballot paper declared valid.
4. If one of the voters present so requires, the paper must be shown. The voters may submit objections orally to the decision taken.

Article 83

1. As soon as the votes have been recorded, the chairman announces for each list the number of votes cast for each candidate as well as the total number of votes cast. The voters present may submit objections.
2. The ballot papers declared invalid are then placed in a sealable package showing the number of the polling district and the number of ballot papers that the package contains.
3. The valid ballot papers are then sealed in one or more packages, ordered by list. Each package shows the number of the polling district and the number of ballot papers that the package contains, as well as the numbers of the lists to which the enclosed papers relate if the papers are sealed in more than one package.

Article 84

1. If a voting machine is used, the area in which the counters are located is opened immediately after the sealing required by Article 75. No changes shall be made in the status of the counters.
2. The chairman then announces the number of votes cast for each candidate, by list.
3. For each list, the electoral committee determines the total number of votes cast for candidates appearing on that list. The chairman announces this. The voters present may submit objections.
4. The chairman then locks the area in which the counters are located. The key is placed in a sealed envelope.

Article 85

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1. On completion of all work referred to in Article 83 or Article 84, an official procès-verbal is immediately drawn up of the voting and the counting of the votes, in duplicate. All objections submitted are recorded in the procès-verbal.
2. The procès-verbal is signed by all members of the electoral committee.
3. A model for the procès-verbal shall be enacted by ministerial regulation.

Article 86

1. The chairman or a member of the electoral committee designated by the chairman shall take the procès-verbal and the sealed packages referred to in Articles 77 and 83 to the chairman of the central electoral committee.
2. The Head of the Census Office shall ensure that the voting machine is not opened before the central electoral committee has determined the result of the election and has decided on the admission of the appointed persons. He shall keep the voting machine and the sealed envelope referred to in Article 76 available for the chairman of the central electoral committee. If the machine must be used again before the time referred to in the first sentence, the chairman of the central electoral committee shall set down the status of the counters in a procès-verbal.

Chapter 7. Determination of the election results

Article 87

1. At 10.00 a.m. on the fifth day following the vote, the central electoral committee shall conduct a public session.
2. While the central electoral committee is in session, voters are authorised to stay in the area of the session location intended for the public, to the extent that this does not disturb public order or obstruct the progress of the work.
3. The chairman is responsible for maintaining public order during the session. He may request assistance for this from the Minister of Justice.

Article 88

1. In the session referred to in Article 87, the central electoral committee may order a new count of ballot papers from all or from one or more polling districts, either officially or in response to a request from one or more voters, stating the reasons.
2. In that case, the central electoral committee shall immediately start that recount. It is authorised to open the sealed packages for that purpose and to compare the contents with the procès-verbal of the electoral committees.
3. To the extent necessary, Articles 75 up to and including 85 apply to this recount.

Article 89

1. The central electoral committee shall determine with regard to each list the number of votes cast for each candidate and the total of these votes. This total is referred to as 'the voting figure'.
2. The chairman announces the results obtained in this manner.
3. The voters present may submit objections orally.

Article 90

1. After all work has been completed, a procès-verbal of this shall be drawn up immediately. All objections submitted shall be stated in the procès-verbal.
2. The official procès-verbal shall be signed by all members of the central electoral committee in attendance.
3. A model for the procès-verbal shall be enacted by ministerial regulation.

Article 91

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1. The chairman shall immediately make the procès-verbal of the session of the central electoral committee available for public inspection at the Census Office.
2. After the central electoral committee has determined the result of the election and decisions have been made on the admission of the elected representatives, the chairman shall destroy the sealed packages.
3. At the end of the period in which the election took place, he shall destroy the procès-verbal of the electoral committees if desired.
4. An official procès-verbal shall be drawn up of the destruction referred to in paragraphs 2 and 3.

Article 92

The prescribed sealing shall take place with the coat of arms of Sint Maarten as the seal.

Article 93

1. If the list or lists of candidates contain as many candidates as there are seats to be filled, the central electoral committee shall declare all candidates elected as soon as the term for appeals provided for in Article 33 has expired or, in the event of an appeal, as soon as the central electoral committee has been notified of the decision of the court pursuant to Article 35.
2. If only one list is submitted, or if only one valid list remains as a result of candidate lists being declared invalid, and this list contains more candidates than the number of seats to be filled, then as soon as the term referred to in paragraph 1 has expired, or the central electoral committee has been notified of the decision referred to in that paragraph, the central electoral committee shall declare as many candidates to be elected as there are seats to be filled. Article 98(2) applies likewise.
3. If no candidate lists have been submitted or the submitted candidate lists contain fewer candidates than there are seats to be filled, as soon as the term for the submission of candidate lists has expired, the central electoral committee shall declare that no-one has been elected.
4. If, as a result of lists being declared invalid or the scrapping of candidates from lists, no valid list remains, or fewer candidates are included in the valid list(s) (combined) than there are seats to be filled, as soon as the term referred to in paragraph 1 has expired, or the central electoral committee has been notified of the decision referred to in that paragraph, the central electoral committee shall declare that no-one has been elected.
5. The central electoral committee shall draw up a procès-verbal of such matters without delay, which will be made available for public inspection at the Census Office. The provision of the official procès-verbal for public inspection shall be publicised at the same time.
6. In the cases referred to in paragraphs 3 and 4, new nominations of candidates will take place on the fourteenth day following the date of the official procès-verbal stating that no-one has been elected.

Article 94

As soon as possible following the session referred to in Article 87, the central electoral committee shall determine the result of the election by an order.

Article 95

1. The central electoral committee shall divide the sum of the voting figures of all lists by the number of seats to be filled.
2. The quotient obtained in this manner is referred to as 'the electoral quota'.
3. One of the vacant seats will be assigned to a list as many times as the electoral quota is included in the voting figure of that list.

Article 96

1. Of the seats still to be filled after the application of Article 95, seats will be assigned, in sequence, to the list that after the assignment of the seat, will show the highest average number of votes per assigned seat. If the averages are the same, the decision shall be made by lot.

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2. Lists for which the voting figure is less than the electoral quota shall be disregarded in this assignment.
3. If, as a result of the application of Article 95, more seats should be assigned to a list than the number of candidates on the list, the remaining seats shall be assigned to one or more other lists through continuation of the application of paragraph 1 of this Article.

Article 97

1. The central electoral committee shall divide the voting figure of the list by the number of seats assigned to the list.
2. The quotient obtained in this manner is referred to as 'the list quota'.

Article 98

1. For the purpose of filling the seats assigned to each list, the candidates on the list that won a number of votes equal to or in excess of the list quota are elected.
2. If fewer candidates on a list than the number of seats assigned to that list have won a number of votes equal to or in excess of the list quota, the candidates are ordered according to the number of votes that they have won, starting with the candidate who won the highest number of votes. The seats are assigned in order of the highest candidates on the list who have not yet been elected.

Article 99

If a candidate has died when the election result is determined, his name will not be taken into account.

Article 100

1. The central electoral committee shall order the candidates included in each list in order of the number of votes that they won, starting with the candidate who won the highest number of votes.
2. To the extent that candidates have won an equal number of votes, the order shall be determined by their order on the list.

Article 101

The chairman of the central electoral committee shall announce the election result at the earliest opportunity in a session to which Articles 87(2), 87(3), 89(3), and 90 apply.

Article 102

The order by which the election result is established shall be publicised through inclusion in the National Gazette of Sint Maarten and through provision for public inspection at the Census Office. This provision for public inspection shall be publicised at the same time.

Article 103

The chairman of the central electoral committee shall provide for Parliament to be sent copies of the following documents:

- a. the official procès-verbal of the sessions of the electoral committees;
- b. the official procès-verbal of the session of the central electoral committee, as referred to in Article 90;
- c. the official procès-verbal of the session of the central electoral committee, as referred to in Article 93;
- d. the order of the central electoral committee, as referred to in Article 86;
- e. the official procès-verbal of the session of the central electoral committee, as referred to in Article 104.

Chapter 8. Examination of credentials, admission of elected representatives and end of

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membership

Article 104

1. The chairman of the central electoral committee shall notify the elected representative of his election by a letter signed by him, sent in duplicate within three days of the determination of the election result or after the declaration that the candidate has been elected, by registered mail or for a signed receipt. The letter shall be sent to the address of the elected representative as shown with the nomination or, if the elected representative has reported a different address later, to that address.
2. Notices to an address outside Sint Maarten shall be sent by telegraph.

Article 105

1. Within five days of the receipt of the notice, the elected representative shall issue a signed confirmation of receipt for this.
2. Within two weeks of the signature of the notice of election, the chairman of the central electoral committee must receive written notice from the elected representative that the elected representative accepts his election. If the notice is not received within that term, the elected representative is deemed to have rejected the election. The chairman shall notify Parliament of the rejection of the election.
3. The chairman shall notify the elected representative and Parliament without delay of the receipt of the notice of acceptance of the election, in duplicate.
4. This notice and the notification referred to in Article 104 serve as credentials for the elected representative.

Article 106

1. Elected representatives must submit their credentials within three weeks of the signature of the notice of election to Parliament.
2. If the credentials are not submitted within the term enacted in the preceding paragraph, the seat is deemed to have fallen vacant on the first day following the date of the expiration of that term. The President of Parliament shall notify the central electoral committee of this without delay.

Article 107

1. Together with his credentials, the elected representative presents to Parliament a signed declaration reporting all public positions that he holds.
2. If the elected representative has not previously been admitted as a Member of Parliament, he shall also submit an extract from the basic administration of personal records, or, in the absence thereof, an identification certificate, showing his date and place of birth.

Article 108

1. Parliament shall examine the credentials and shall decide whether the elected representative shall be admitted as a Member of Parliament. In that process, Parliament checks whether the elected representative complies with the requirements for membership and does not hold any positions incompatible with membership and decides on any disputes that arise with regard to the credentials or to the election itself.
2. The examination of the credentials does not extend to the validity of the lists, as published by the central electoral committee.
3. The examination of the credentials of candidates who are declared to have been elected pursuant to the provisions of Article 115, does not extend to the matters relating to the validity of the voting.

Article 109

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The invalidity of the voting in one or more polling districts or an inaccuracy in the determination of the election result does not prevent the admission of the members whose election cannot have been influenced by the invalidity or inaccuracy and, in the event that voting is invalid, cannot be influenced by the new vote.

Article 110

1. If Parliament decides not to admit one or more elected representatives due to the invalidity of the voting in one or more polling districts, the Chairman shall notify the Minister of General Affairs of this without delay.
2. Within one month of the receipt of this notification, a new vote shall take place in the polling districts referred to in the first paragraph and the result of the election shall be redetermined.
3. In this determination, candidates who have already been admitted as Members of Parliament are still declared elected, even if this proves to have taken place incorrectly. The candidate who would have been elected if the admitted candidate had not been declared elected is then rejected.

Article 111

1. Voters whose names appear in the copy of the numbered list of voters as referred to in Article 53(1) are authorised to take part in the voting referred to in the preceding Article.
2. The provisions of paragraph 1 do not apply to voters who, although they appear on the copy of the numbered list referred to in paragraph 1, have not taken part in the vote declared to be invalid.

Article 112

If Parliament decides not to admit one or more elected candidates on the grounds of the inaccuracy of the determination of the election result, the chairman shall notify the central electoral committee of this without delay.

Article 113

1. Within eight days of the receipt of the notification referred to in Article 112, the central electoral committee shall conduct a session open to voters and shall, if necessary, redetermine the result of the election in observance of the decision referred to in the preceding Article.
2. The examination of the credentials of the new candidate declared to have been elected in this way does not extend to the points concerning the validity of the votes.
3. Articles 91(1), 101, 102 and 103 apply likewise.

Article 114

If Parliament decides not to admit an elected candidate because he does not comply with the requirements for membership or because he holds a position incompatible with membership, the President of Parliament shall notify the central electoral committee of this without delay.

Article 115

If an elected candidate does not accept his election or if, other than in the determination of the result of an election, an existing or upcoming vacant seat must be filled, the chairman of the central electoral committee shall declare, within eight days of being informed of this, in a decision stating the reasons, that the candidate who appears on the same list as the member whose seat has or will become vacant and who is placed highest on that list in the order referred to in Article 100, is elected, or if Article 93 has been applied, qualifies for election in accordance with the sequence of candidates on the list.

Article 116

Disregarded for the purposes of the application of the previous Article are candidates:

- a. who are deceased;

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- b. whose vacancies have been filled;
- c. who have been declared elected to fill a vacancy, but who have stated in writing pursuant to Article 105(2) that they do not accept the election;
- d. who are Members of Parliament or who have been elected as such, while no decision has yet been reached on their admission; or
- e. regarding whom the chairman of the central electoral committee has received a written declaration that they do not wish to be considered for election.

Article 117

If a candidate who has been declared elected in the place of a candidate who did not accept his election also fails to accept his election, the name of the first candidate elected is also disregarded, as is the name of every subsequently elected candidate who has not accepted his election in further application of the above Articles.

Article 118

The provisions of Articles 102 and 103 apply likewise to the election decision.

Article 119

1. As soon as it is determined that a Member of Parliament does not comply with a membership requirement, holds a position incompatible with membership or has remained outside the country for a continuous period of more than eight months, he shall cease to be a member.
2. The President of Parliament shall notify the chairman of the central electoral committee of this without delay.
3. Similar notification shall take place if a Parliamentary seat falls open through the decease of a member.

Article 120

A Member of Parliament who has been admitted may resign at any time. He must notify the President of Parliament of this in writing. The President of Parliament shall notify the government and the chairman of the central electoral committee of the written resignation.

Article 121

1. If a Member of Parliament finds himself in one of the situations referred to in Article 119(1), he shall notify the President of Parliament of this, stating the reasons.
2. If such notification is not provided and the President of Parliament is of the opinion that a Member of Parliament is in one of the situations referred to in Article 119(1), he shall warn the interested party. If the town of residence and the actual residence of the interested party are not known, the warning shall be recorded in the National Gazette of Sint Maarten.
3. The interested party is free to subject the case to the decision of Parliament within 14 days, or, if the warning has been published in the National Gazette, within three weeks. This term commences either on the day following the dispatch of the warning or on the day following that of its publication in the National Gazette. Parliament shall take a decision at the earliest opportunity.

Article 122

1. If Parliament resolves to admit an elected representative, the President of Parliament shall immediately notify:
 - a. the Governor;
 - b. the chairman of the central electoral committee;
 - c. the admitted representative.
2. Within four weeks of the date of the notification referred to in paragraph 1, the admitted representative must apply to the Governor to take the oath (declaration and solemn affirmation), within the meaning of Article 56 of the Constitution of Sint Maarten.
3. The Governor shall then set a date and time at which the oath (declaration and solemn affirmation) shall be taken and shall call up the admitted representative for that purpose.

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4. If the admitted representative has not sent in a request to take the oath (declaration and solemn affirmation) within the term referred to in paragraph 2 or has not responded to the call to appear to take the oath (declaration and solemn affirmation), the President of Parliament and the chairman of the central electoral committee shall be notified of this without delay by or on behalf of the Governor. The vacant position to which the admitted representative was elected is then deemed to have fallen open again on the first day following the expiration of the term referred to in paragraph 2.
5. The provisions of paragraph 4 do not apply with regard to admitted persons who are unable, due to physical incapacity, to take the oath (declaration and solemn affirmation), as to be determined by the Governor.

Chapter 9. Penal provisions

Article 123

A person who forges or produces a counterfeit ballot paper with a view to using this as a genuine and authentic ballot paper shall be penalised with a custodial sentence of no more than six years.

Article 124

A person who deliberately uses, or causes others to use a ballot paper that he has forged or counterfeited, or that he knew to be forged or counterfeit on receipt, as genuine and authentic, or who holds these with a view to using them or causing others to use them as genuine and authentic, shall be penalised with a custodial sentence of no more than six years.

Article 125

A person who possesses a ballot paper with a view to using, or causing others to use this unlawfully shall be penalised with a custodial sentence of no more than four years.

Article 126

On conviction for one of the offences described in Articles 123, 124 or 125, the ballot paper, the counterfeit or forged ballot paper or the substances or articles that are by their nature intended for the counterfeiting or forgery of ballot papers, to the extent that these were used to commit the offence or constituted the object thereof, shall be declared confiscated, including if they were not the property of the convicted person.

Article 127

On conviction for one of the offences described in Articles 123, 124 and 125, the court may order the withdrawal of the rights described in Article 32(1), sub 1 to 4 of the Criminal Code of Sint Maarten.

Article 128

A person who votes more than once in an election of Members of Parliament shall be penalised with a custodial sentence of no more than one year.

Article 129

Persons who fail to comply with the obligation imposed on them by Article 45 or 46 shall be penalised with detention of no more than one month or a fine of no more than ANG 1,000.

Article 130

The chairman, the members and deputy members of the electoral committee called upon to deputise who are absent from the session without need shall be penalised with a fine of no more than ANG 100.

Article 131

This is an English translation of the Dutch source text.

In the event of any discrepancy between the Dutch language version and the translation, and in case of any disputes, the Dutch version prevails. No rights can be derived from the English translation.

October 2013

A voter who does not comply with the obligation imposed by Article 70 to return the ballot paper shall be penalised with detention of no more than 12 days or a fine of no more than ANG 300.

Article 132

The penal offences referred to in Articles 129, 130 and 131 are infringements.

Chapter 10. Transitional and final provisions

Article 133

1. Where the performance of certain actions required by this national ordinance falls on a Saturday, a Sunday or a public holiday equated with a Sunday, or the terms enacted therein end on a Saturday, Sunday or a public holiday equated with a Sunday, this shall be replaced by the next day that is not a Saturday, Sunday or a public holiday equated with a Sunday.
2. To the extent that the provision of the time for such actions is imposed on public authorities, no Saturdays, Sundays or public holidays equated with a Sunday shall be designated for that purpose.
3. The days designated in the national decree concerning days equated with Sundays shall be deemed to be public holidays equated with a Sunday, as shall all days designated as such by national decree in exceptional cases.

Article 134

Petitions, decisions, judgments, notices and all other document drawn up or submitted pursuant to this national ordinance are free of duties or stamps and of other rights or charges, unless provided otherwise elsewhere.

Article 135

The form and design of the official procès-verbal to be drawn up pursuant to this national ordinance and the orders to be drawn up pursuant to Articles 94 and 115 shall be enacted by national decree, containing general measures.

Article 136

A political group within the meaning of Article 1(c), of the Election Regulations of the Sint Maarten Island Council, in its form in effect on the day immediately prior to the date on which this national ordinance entered into force, shall be deemed to be a political party for six months following the date on which this national ordinance enters into force.

Article 137

This national ordinance shall be referred to as the Election Ordinance.

Issued on the *twentieth* of December 2010
The Minister of General Affairs,
S.A. Wescot-Williams