

MARCH 15, 2023

Island Council and Electoral College Elections

Caribbean Netherlands (Bonaire, Saba, Sint Eustatius)

OAS ELECTORAL DELEGATIONS REPORT

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Government of the Netherlands

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01 Introduction



On March 15, 2023, the three special municipalities comprising the Caribbean Netherlands—Bonaire, Saba and Sint Eustatius—each held elections for the members of the Island Council and Electoral College representatives for new four-year terms.

On December 19, 2022, an invitation was issued to the General Secretariat of the OAS, through the Ministry of the Interior and Kingdom Relations, to deploy electoral delegations for the March 15, 2023 Island Council and Electoral College elections on Bonaire, Saba and Sint Eustatius. The OAS accepted the invitation and agreed to deploy three delegations, comprised of OAS personnel from the Secretariat for Strengthening Democracy, to each of the special municipalities for these elections. The delegations deployed from Sunday, March 12 until Thursday, March 16.

The members of the delegations were:

- Bonaire: Eduardo Rojas
- Saba: Martin Huenneke, Diego Paez
- Sint Eustatius: Gerardo Sanchez, Karen Garzon-Sherdek

The most recent elections for the Island Councils of Bonaire and Saba took place on March 20, 2019. A delayed Island Council election was held on St. Eustatius on October 21, 2020. This was the second occasion on which the OAS was present for an electoral process in Bonaire, having previously observed the Island Council and Electoral College elections in 2019.

Composition and Methodology of the Delegation

Since they are special municipalities of the Kingdom of the Netherlands, Bonaire, Saba and Sint Eustatius are not part of an OAS member state. As such, the structure and approach of the OAS delegation in the Caribbean Netherlands was not typical of an OAS Electoral Observation Mission. In this context, the organization did not sign the typical agreements outlining the legal, financial, and methodological independence of the team and did not contemplate some of the activities that are standard on Electoral Observation Missions, such as a public report to the OAS Permanent Council. Further, the delegation arrived in the country two working days before the elections and did not include experts in the subject areas typically assessed by OAS Missions, such as electoral organization and electoral registries, among others.

The delegation comprised five members of staff of the OAS General Secretariat, drawn from the Department of Electoral Cooperation and Observation (DECO) and the Secretariat for Strengthening Democracy. They arrived in the three special municipalities beginning March 12, 2023, and engaged in working meetings with an array of electoral stakeholders on March 13 and 14 to gather information and hear perspectives on the electoral process. On election day the OAS delegation observed the distribution of electoral materials and visited polling stations to view the conduct of the poll. On the day after the elections, Thursday, March 16, 2023, the delegation reported to the electoral authorities on its initial findings and recommendations.

This is the delegation's Final Report. It provides a series of findings and recommendations which the delegations hope will be useful to the authorities of the special municipalities of the Kingdom of the Netherlands as they continue to work to strengthen the conduct of elections on the three islands.

02 Background



Governance of the Special Municipalities of the Netherlands

With the official dissolution of the Netherlands Antilles on October 10, 2010, Bonaire, Sint Eustatius and Saba, now known as the Caribbean Netherlands, became a part of the Netherlands, which, along with Aruba, Curaçao and Sint Maarten, make up the four constituent countries of the Kingdom of the Netherlands. In accordance with article 134 of the Dutch Constitution, the three islands of the Caribbean Netherlands became special municipalities, a particular form of "public body," of the Netherlands.

Each of the three special municipalities has an Executive Council that is responsible for that island's day-to-day governance. In doing so, the Executive Council implements the decisions of the Island Council, which is the elected representative assembly of the people. On Bonaire, the Island Council is made up of nine (9) seats, and on Saba

and Sint Eustatius, the Council on each island consists of five (5) seats. While the Executive Council also takes decisions of its own, such as issuing permits or signing agreements for services, it is subject to scrutiny by the Island Council.

In February 2018, the House of Representatives and the Senate of the Netherlands passed the Temporary Act,[1] which implemented an administrative intervention in Sint Eustatius whereby the Island Council was dissolved and the island executive were relieved of their duties due to these authorities' "gross neglect" to effectively perform their duties. Subsequently, a government commissioner was named and tasked with the administration of Sint Eustatius' affairs, while the basic reforms for the restoration of democratic rule were implemented. As part of these actions, the Island Council elections that were set to take place on March 20, 2019, were eventually postponed until October 21, 2020.

[1] As established in Article 132a of the Dutch Constitution

Electoral framework

As per the electoral laws of the Netherlands, members of the Island Council are elected according to a party-list proportional representation system. In this system, seats are allocated to a party list based on, “as many times as the total vote for that list contains the electoral quota.”^[2] This quota is calculated by dividing the total number of votes cast by the number of seats to be awarded; for example, if 750 votes are cast for 5 seats, then the electoral quota is 150. However, Dutch law also establishes a 75% threshold rule that eliminates from contention for a seat those party lists that do not obtain at least three-fourths of the vote quota.



Electoral colleges of the Dutch Senate^[3]

In the European Netherlands, the 75 members of the Dutch Senate are indirectly elected for their four-year terms by members of the Provincial Councils. However, because the three special municipalities of the Caribbean Netherlands do not have Provincial Councils, an Electoral College is elected at the same time as the Island Council. The Electoral College has the right to cast an indirect vote in the Senate elections once the municipal elections are completed. In total, there are four electoral colleges (one for each of the three special municipalities, along with a fourth for non-residents representing Dutch nationals living abroad), together with the twelve Provincial Councils, that elect the Senate. The number of electoral colleges for the special municipalities is the same number (always odd) as the members of the Island Council.

Voter eligibility

In order to vote in the Island Council and Electoral College elections, a voter must meet the following requirements:

- the voter must be 18 years of age or over on election day.
- the voter must be a resident of the public body (the island) on nomination day.

To be considered a resident, a person must be registered in the BES Base Registry of Persons. These requirements apply equally to all non-Dutch nationals who have legally resided in the Netherlands for at least five years. In this regard, a voter does not need to possess Dutch nationality to be entitled to vote in the Island Council and Electoral College elections.

Voters on Bonaire, Sint Eustatius and Saba are to receive a voting pass at their home address no later than fourteen days before the elections, which allows them to vote at any polling station on their island.

^[2] Dutch Electoral Act (1989), § P.6.

^[3] <https://www.kiesraad.nl/verkiezingen/kiescolleges>

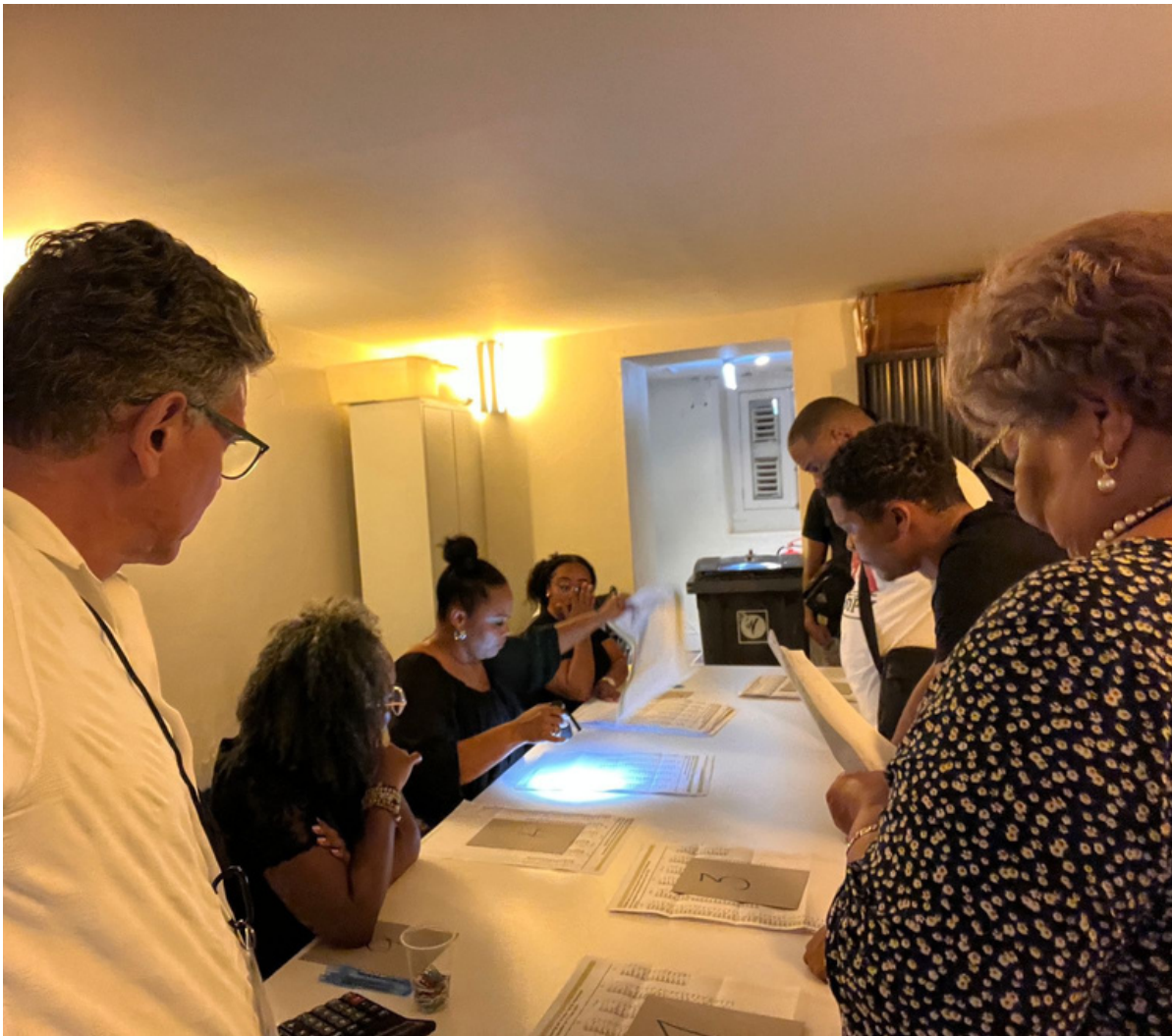
Electoral Authorities of the Special Municipalities

For the purpose of the three Island Council elections, the territory of each of the islands forms a single electoral district. In addition, each island has a single principal electoral committee, also acting as the central electoral committee.

This principal/central electoral committee fulfils the following duties related to the electoral process:

- Registration of political parties
- Nomination
- Determination of the election results
- Filling of vacancies

The island's Executive Council appoints the members and deputy members of the principal/central electoral committee for the elections to the Island Council for a period of four calendar years.



Polling stations

On Bonaire, there were 12 polling stations and 1 mobile station (eventually located in the Town Hall due to mechanical issues) where the 16,317 persons and 14,341 persons registered to vote for the Island Council and Electoral College, respectively, could exercise their right to vote on election day.

On Saba, there were two assigned polling centers where the 1,259 people authorized to cast their vote for the Island Council and 916 persons for the Electoral College were able to cast their votes on election day.

On Sint Eustatius, two polling stations were assigned for the 2,201 eligible electors for the Island Council election and the 1,941 voters for the Electoral College.

Each polling station has a staff of three to five polling officials, one of whom is designated as the Chairperson. There were no voters list for the polling stations as voters may cast their ballot at the station of their choosing.

Polling stations were open from 7:30 a.m. to 9:00 p.m. local time, and all were to be prepared so as to be suitable for voters with disabilities.



Proxy voting

Dutch electoral law permits proxy voting, whereby the principal elector can authorize another registered voter to cast their vote for them. This form of voting can be done in one of two ways: with a private proxy or with a written proxy.

With a private proxy, a voter authorizes another voter to vote for them using their voting pass. In this case, when voting the authorized proxy voter shows a copy of the signed voter pass along with the identity document of the principal voter.

With a written proxy, the principal voter submits a written request at the proper administrative office to authorize another voter to vote on their behalf.

By law, the initiative to vote by proxy must always come from the proxy holder and should not originate from a political party or candidate. Efforts to recruit voters to authorize their vote by proxy is a punishable criminal offence.



Voter identification requirement

Persons wishing to vote must present an identity document such as a passport or driver's license, which may be used as long as it is not invalid for more than five years prior to election day.

Registration of political parties and candidates

In the Caribbean Netherlands, political parties that wish to participate in an election for the first time under a specific name must register with the central electoral committee and pay a deposit of USD 225, which is refunded after submission of a valid list of candidates by the party to the committee on nomination day. Parties must also submit a minimum of ten declarations of support per constituency. For subsequent elections, only political parties that are not yet represented in the current electoral college must pay the deposit.



03 Pre-electoral Phase

Prior to its arrival on the three special municipalities, the OAS delegations familiarized themselves with each island's political and electoral framework in order to gain a comprehensive understanding of the election process. During the days preceding the elections, the delegation met with a variety of stakeholders, including government officials, electoral authorities, political parties, and representatives of civil society, among others. Throughout these discussions, it was possible to gain a deeper understanding of each island's electoral context, including the level of preparedness for holding the elections and the main concerns of stakeholders heading into election day.

Bonaire

The OAS delegation arrived in Bonaire two days prior to the election to get to know the cities of Kralendijk and Rincon and to get a sense of the atmosphere surrounding the elections on the island. Political parties and candidates' ads, flags and boards were present in many parts of the island creating a civic festive environment.

The delegation met with key stakeholders during the days prior to the election, including the Government Commissioners, the Lieutenant Governor, the Central Voting Bureau, the Voting Bureau Members, the Voting Bureau Public Entity, and candidates. The delegation also met with members of civil society and two advocacy organizations, The Centraal Dialoog[4], a local consultative body of employers, trade unions, local government, the Chamber of Commerce and the Business Federation Bonaire.[5]

In general, the delegation was informed that the electoral campaign developed smoothly, and was carried out mainly through meetings, banners, party flags, candidate ads, radio and local TV interviews and through social media. Pursuant to article G3, paragraph 5, of the Elections Act, six political lists registered for the 2023 Island Council election; four lists (MPB, PDB, UPB and M21) also registered lists for the elections to the Electoral College. An additional list, integrated by just one candidate, was also registered for the elections to the Electoral College; this list was referred to as "List Jaap Kos", after the name of its only candidate.

Saba

Upon arrival in Saba, the OAS delegation met with the Island Governor, the Census Office, and the Main Voting Bureau to learn about the preparations for the election on Wednesday, March 15. At these initial meetings, the electoral authorities shared that for this election, there were 1,259 people authorized to cast their vote for the Island Council and 916 to do so for the Electoral College elections. Likewise, seven people registered as candidates for the Windward Islands Peoples Movement Party (WAPM); 6 from the Progress, Equality and Prosperity Party (PEP), one candidate from the Saba Caring People Party; and two people from the blank list. The delegation took note that among the 16 people registered as candidates, only two were women. During the pre-electoral phase, the delegation was also able to meet with the major political parties and candidates, as well as two independent candidates, a representative of the Chamber of Commerce and other concerned citizens.

[4] See: www.centraaldialoogbonaire.com

[5] <https://bes-reporter.com/establishment-of-the-business-federation-bonaire-bfb/>



Sint Eustatius

In the days prior to the election, the delegation was able to meet with three main political parties who indicated that the pre-electoral process and campaigns had gone well to that point. Political parties and candidates were able to communicate their platforms through political meetings, propaganda around the island, radio interviews and the use of Facebook pages.

Issues and concerns

Most of the stakeholders, including political parties, with whom the delegations spoke expressed confidence in the strength of the electoral process and the integrity of those in charge of conducting it. However, some stakeholders in the special municipalities voiced concerns about certain aspects of the electoral system, including:

- the proxy vote system,
- distribution of voting passes,
- electoral materials and voter education,
- changes in vote count procedures and training,
- electoral environment,
- political party and candidate registration,
- political finance, and
- the political participation of women and youth.

Each of these issues are addressed in the sections below, with specific indications of pertinence to a particular special municipality, where applicable.

The proxy vote system

As noted in the Background section of this report, there are two forms of proxy voting allowed by Dutch law, whereby a voter may authorize another person to vote on his or her behalf-- a private proxy and written proxy.

The private proxy is for voters who cannot physically appear at a polling station on election day. Such persons must complete the proxy certificate form included in both the Island Council and the Electoral College voting passes. The proxy certificate must be filled out by the person unable to go to the polling station on election day and includes the name and address of the person who is entrusted to cast the proxy vote on their behalf.

The written form of proxy voting, designed for people who know well in advance that they will not be able to go to the polling station and thus do not have their voting passes, consists of a written proxy application with the Public Entity. Through this procedure, the trusted proxy voter receives the voting passes of the person unable to attend the election so that they can vote on their behalf.

The written proxy had to be submitted by Friday, March 10th, whereas the voting pass proxy certificate could be used at any time up to March 15th, 9:00 pm, closing time of the polling stations. Proxy holders must vote simultaneously with their own vote and up to a maximum of two other proxy votes and they must bring along a copy of the proof of identity of the person on whose behalf they are voting.

Bonaire

On Bonaire, several stakeholders expressed concern about the proxy vote. While they did not perceive it to be an abused system, they noted its vulnerability for possible manipulation whereby voters assign their proxy to receive promises of financial/personal gain or in response to intimidations from parties or candidates.

The proxy voting system is generally viewed as a benefit to extend voters' rights when they are unable to physically attend the voting station. Even though, stakeholders expressed concerns about the vulnerability of the system, the results on Bonaire showed that the measure has a reasonable rate of use (around 12%). However, there are specific zones and polling stations which show a significant increment of the percentage, reaching up to 17%, almost doubling low proxy vote zones (9%).

Saba

On Saba, considering that proxy votes traditionally account for a considerable percentage of votes cast in every election, political parties and candidates interviewed by the delegation highlighted the importance of controlling the proxy process; however, in general these stakeholders did not view it as a potential source of problems for the

integrity of the electoral process. Both the electoral authority and parties noted the implementation of additional identity verification mechanisms, which seems to have had a positive effect on the perception of proxy use.

Another measure viewed positively by all stakeholders was an informational meeting organized by the Island Governor with the candidates and the island's Chief Prosecutor on February 10 to discuss the correct use of proxies in an effort to prevent their abuse, including explanations of the legal ramifications of vote buying and recruiting votes via the proxy.[6]

The delegation also learned about the proposal at the national level to reduce the number of proxies that each voter can receive from 2 to 1. At the local level, stakeholders opined that this change could negatively affect participation in upcoming elections and that strengthening the verification measures for the use of proxies is a more effective measure for improving the system.

Sint Eustatius

A number of stakeholders expressed concern about Sint Eustatius's proxy system, especially given the high percentage of voters (more than 25%) who use the proxy vote not as an exception but as the rule. Several political parties and local authorities with whom the delegation met highlighted concerns about possible purchase or sales of proxy votes, and intimidation of parties or candidates towards voters to hand over their proxy.



[6] See: <https://www.facebook.com/photo.php?fbid=561183172707626>

Distribution of Voting Passes

According to Dutch electoral law, voters on Bonaire, Sint Eustatius and Saba are to receive a voting pass at their home address no later than fourteen days before the elections, which allows them to vote at any polling station on their island. The process of issuing a voting pass includes a security procedure to invalidate the previously issued voting passes so that only one valid voting pass per election is issued for any person.



Bonaire

The delegation was informed by the electoral authority of several difficulties encountered in the distribution of the voting passes, due primarily to the poor identification and updating of addresses along with the high mobility of individuals. Voters who did not receive their voting passes could request a replacement in writing until Friday, March 10 or in person at the Civil Affairs Department (Burgerzaken) in Kaya Neerlandia until 12:00pm Tuesday, March 14. The delegation observed a high number of voters requesting their voting passes on the evening of Monday, March 13.

Saba

As one of the measures implemented before the election, the delegation learned from the electoral authorities that residents' voting pass were physically delivered door to door, which goes beyond what is required in the regulations. The delegation wishes to commend this action implemented by the local government to guarantee the effective exercise of the vote of the residents of Saba and recommends the institutionalization of a mechanism for the secure distribution of voting cards that does not depend on such extraordinary initiatives.

Sint Eustatius

The political parties expressed complaints about how the voting passes were delivered for these elections. Although a private company was hired to deliver the passes, stakeholders noted that the addresses were incorrect or delivered to relatives' houses instead (i.e. parents' house), or that voters were not at home when the company tried to deliver the voting card, at which time, the voting cards were returned to the electoral authority. In addition, they stated that some persons, such as students or workers abroad, were taken out of the Registry, which was last updated in 2020, without prior notice.

In total, the St. Eustatius Civil Registry informed the delegation that 40 voting passes were returned in cases where persons were not located at the correct address or didn't have a mailbox and could not receive their pass by March 1, which required that they go to the registry office to obtain their passes.

Electoral Materials and Voter Education



Bonaire

Some stakeholders noted that even though Bonaire has already had several elections under the Public Entity (OLB) form of Government, which allows for elections for both the Island Council and the Electoral College at the same time, there still remains some confusion amongst voters as to the difference between these elections. From interaction with stakeholders, the delegation surmised that for some voters the election of an Electoral College to vote indirectly for the integration of the First Chamber in the European Netherlands seems too “far away;” not only in terms of distance, but also in terms of political affiliation, as there is no direct relationship between the political parties contending in the Bonaire election and those running for election to the Dutch Senate. In addition, the fact that the voting passes (Stempasses) for the Island Council and the Electoral College elections are very similar in appearance seems to contribute to this confusion.

Changes in vote count procedures and training

The New Procedure for the Determination of Election Results Act (NPVV) became effective on January 1, 2023. Among other changes to the Electoral Act, the NPVV provides two options to electoral authorities for carrying out the vote count:

- **Option 1**- Decentralized Count, whereby:
 - On the evening of election day, the electoral committees count the votes cast for each list and for each candidate.
 - The next day, the municipal electoral committee checks the official reports of all electoral committees at a public meeting. The votes cast at a polling station are recounted in full or in part if errors are found or suspected. Any errors are corrected in a “corrigendum.”
- **Option 2** - Central Count, whereby:
 - On the evening of election day, the electoral committees only count the votes cast for each list. They do not count the votes cast for each candidate at that time.
 - The next day, the municipal electoral committee counts the votes cast for each list and for each candidate at a public meeting.

This Act also aims, among other things, to detect and correct possible counting errors at an earlier stage in the counting process. As such, the NPVV created a new body, known as the polling station for the public body (SOL),^[7] which is formed by the members of the polling stations and is assigned a number of tasks that previously belonged to the Lieutenant Governor or other responsible government commissioner, such as determining the result.

To this end, the SOL may open the packs of voting documents received from the polling stations and count them again, as necessary. At the end of the session, the SOL determines the results of the elections at the level of the public body. The SOL session is held the day after the elections.

As noted above, the tasks of the SOL are somewhat different with a decentralized counting of votes than with a central counting of votes. In a public entity where a decentralized counting of votes is held, the polling stations count the votes on the evening of the vote. During its session the following day, the SOL checks the official reports of all polling stations and recounts the voting documents in case of (suspected) errors.

Bonaire

In the case of Bonaire, the second option of a central count was used and the training of the members of the 12 polling stations of Bonaire was carried out on the evening of March 13th. The Delegation had the opportunity to observe the training, which was implemented by the Director of the Civic Affairs Office and the Island Secretary. The training session was successful, and the members of the polling stations were actively engaged in the new procedure of vote counting.

Saba and Sint Eustatius

The electoral authorities of Saba and Sint Eustatius opted to use the decentralized count option. The OAS delegation in Saba attended the training of polling station members who would be in the voting centers. Fourteen people, including volunteers and public servants, some with previous experience as polling station members in prior elections, were trained. In this session, the delegation was able to observe that the materials used for the training were in Dutch; given that most of the Island's inhabitants use English predominantly, the OAS delegation recommends that the written training materials be translated and presented in the English language.

[7] See <https://www.kiesraad.nl/adviezen-en-publicaties/publicaties/2023/3/3/handreiking-stembureau-voor-het-openbaar-lichaam>



Electoral environment

During interactions with stakeholders both before and during election day, members of the OAS delegation on Saba heard from the parties, candidates, civil society, and inhabitants in general about alleged "intimidation practices," including incitement to vote, "guilting of people," and penetrating stares from candidates and party members towards voters as they entered polling stations. Likewise, mention was made of the use of social media to practice similar types of intimidation behaviours, described by some to the delegation as "cyber-bullying." In addition, other candidates commented that publicly supporting a political movement or candidate can "put a target on your back."

On Bonaire, the delegation received reports of political party activists stationed outside polling stations who also were occupying some of the available parking space, making it more difficult for some voters to access the voting location and perhaps influencing them prior to casting their vote.

The OAS considers that given the context and the small, enclosed nature of the island communities, allegations of intimidating behaviour by candidates and political party supporters should be taken seriously and consideration given as to how to address the different forms of intimidation and their potential impact on future elections.

Political Party and candidate registration

The delegation to Saba heard concerns from one of the parties and their candidates regarding difficulties encountered in creating and registering their political party and the need for greater clarity on electoral regulations in general. Consequently, the delegation recommends strengthening access to public information on the electoral process, especially on the process of registering candidacies and political movements at the local level, and to ensure that this information is available in English as well as Dutch.

Political Finance

The Netherlands's political finance framework is guided by the Political Party Financing Act (Wet financiering politieke partijen^[8]), which stipulates the following conditions for political parties to receive public funding: i) that the party is represented in the Senate and/or House of Representatives; and ii) the party has at least 1,000 members, who must pay an annual minimum contribution of €12. Given the Act's current conditions, political parties and candidates in the special municipalities cannot access this type of subsidy granted by law due to the size of their political movements and their lack of representation in the Netherlands' House or Senate.

[8] See <https://wetten.overheid.nl/BWBR0033004/2023-01-01#Paragraaf1>

In the OAS delegation meetings with stakeholders, political parties and candidates stated that receiving funds from the National Government to maintain political movements and campaigns would be beneficial and expressed a need for more information about the Party Financing Act. Currently, most funds parties receive come from personal donations or membership fees from members and supporters.

After the conclusion of its work in the special municipalities, the OAS delegation received information from the Ministry of Interior about current electoral and political finance reform efforts, particularly the special dispositions that are proposed in the reform that address the issues observed on this matter and reflect the needs of the special municipalities of the Caribbean Netherlands. The OAS delegation wishes to commend this initiative, which could positively impact and strengthen political representation in the BES islands.



Political Participation of Women

Unlike the situation in Bonaire and Sint Eustatius, where the political participation of women is considerable, the OAS delegation in Saba observed a low number of female candidacies, with only 2 female candidates out of the 16 registered for the elections. Additionally, final election results resulted in only one woman winning one of the five seats in the Island Council.

Furthermore, in the delegation's conversations with parties and candidates, consistent reference was made to the challenge of finding women and young persons to participate and compete in the political arena due to the intimidating atmosphere (although not violent) in Saba and a political space traditionally dominated by men.

04 Election Day



On election day, the three delegations were able to be present at the installation and opening of numerous polling stations in each of the special municipalities. All delegations noted that polling stations opened on time, were properly staffed and had the necessary materials to carry out the voting process.

Throughout the day, all 16 polling stations on the three islands (12 on Bonaire and 2 each on Saba and Sint Eustatius, respectively) were observed by the delegations. No significant lines were observed at any time in any polling station, and in general there were more voters present later in the day (after 5:00pm).

The vote count was realized in an overall efficient manner, even though the same counting methods were not used in each of the special municipalities; with Bonaire implementing the centralized vote count and Saba and Sint Eustatius opting for the decentralized method.

Not all polling station locations were well identified with proper signage. In all of the special municipalities, political parties were active and party representatives were observed outside of most every polling station. As noted in the pre-electoral section, complaints were received on Saba regarding the perceived aggressiveness of some party representatives towards voters entering the polling station.

Bonaire

During election day, the OAS delegation was able to observe the conduct of the poll at the twelve polling stations--10 in Kralendijk and 2 in Rincon, all of which were installed and operational as planned. They opened on time, were properly staffed and were well equipped with all the materials required for the election. Polling Stations 1 and 12 were adjacent and an additional mobile polling station remained stationed in the Town Hall (The Passangrahan) due to a mechanical malfunction of the vehicle. During the early part of the day, few voters was observed and the voting process went quickly.

Throughout the day, no significant lines were observed at any time in any polling station, with the voting process taking about 3 minutes per voter. Some polling station members noted a significant improvement in voting time compared to the last electoral process in 2019 when large lines of voters formed—some with waits of up to two hours—due in large part to the decision to register voters in a digital system prior to voting. This process was not used for these elections, and the process improved significantly.

In addition, the decision to consecutively number the voting passes received with a written mark was very useful to monitor the activity of the polling station throughout the day.

The polling station locations were well identified with proper signage and were well organized. Very active political party groups were observed outside every polling station; however, no political party representatives were observed inside the polling stations.

All twelve polling stations in Bonaire utilized the centralized counting method. After the polls closed at 9pm, the Lieutenant Governor announced before the media the results for both elections for each of the polling stations as they were received. This process continued until about 1am when the preliminary total results per list were announced with a voter turnout of 64.5%.

Saba

On election day, the members of the OAS delegation visited the two polling stations in Saba and reported that the process was conducted in an orderly and peaceful manner. Polling stations observed by the OAS opened on time and had all the materials required to conduct the polls. Poll workers – 50% of whom were women – demonstrated good knowledge of the procedures and efficiently facilitated the vote in the centers.

In the early hours of voting, the OAS observed a low number of voters; however, by mid-morning, the number of voters started to increase. Voters encountered by OAS observers knew where to cast their ballots; however, the delegation observed a lack of signage to identify the polling centers clearly. The members of the OAS noted that the spaces in polling stations were adequate; however, the delegation received some complaints that the positioning of the voting booths did not necessarily allow for the secrecy of the vote. In addition, the delegation heard several complaints that the font size used in the ballots was too small compared to the size of the ballot paper, which made it difficult to read when voting.

The OAS delegation welcomes the decision of the Saba electoral authorities to implement transparent ballot boxes to encourage confidence in the process; however, in the morning hours, the delegation noted that some voters were confused while casting a vote due to the lack of clearer signage and differentiation of the ballot boxes for the Island Council and Electoral College. In this regard, the OAS recommends improving the signs used to distinguish the ballot boxes.

During election day, the delegation received a complaint about an alleged case of intimidation at the exit of one of the polling stations where an opposition party candidate allegedly engaged in "heckling practices" by approaching people when entering to vote. In response, the OAS delegation was informed by the government authorities on the measures taken to address the complaint, including ensuring the presence of police officers at the entrance to polling stations and a communication sent by the Governor requesting political parties to withdraw supporters from the direct entries of the two voting stations.

Throughout the day, the delegation observed the efforts of the electoral authorities to keep the general public informed about the ongoing electoral process. Using the WhatsApp texting application, which along with

Facebook is the most commonly used communication channel in Saba, the Governor sent updates every two hours on the participation rates of voters and encouraging the population to participate in the elections.

Even though no long lines or people were observed throughout most of the day, the delegation observed an increase in voter participation after 5:00pm until the end of the day.

In regards to the voting process for persons with disabilities, the delegation noted that although one of the two voting centers was accessible to people with disabilities, the second was not as easily accessible, and special assistance from people present at the polling station had to be requested.

At 9 p.m., following the close of the elections, the delegation was able to observe an efficient and public counting process carried out by the polling station members and attended by members of the political parties, candidates and members of the police force. After the vote count, the delegation observed the transmission of preliminary results, which was done primarily through text messages and images sent to the Voting Bureau for its consolidation and official presentation at a public event outside the government building.

At the end of the night, the OAS delegation observed that members of the police guarded and transported the electoral materials and official records to the Voting Bureau for safekeeping. The delegation also took note of the rapid acceptance of the results by the parties and candidates and the festive atmosphere that followed the announcement of the results.





Sint Eustatius

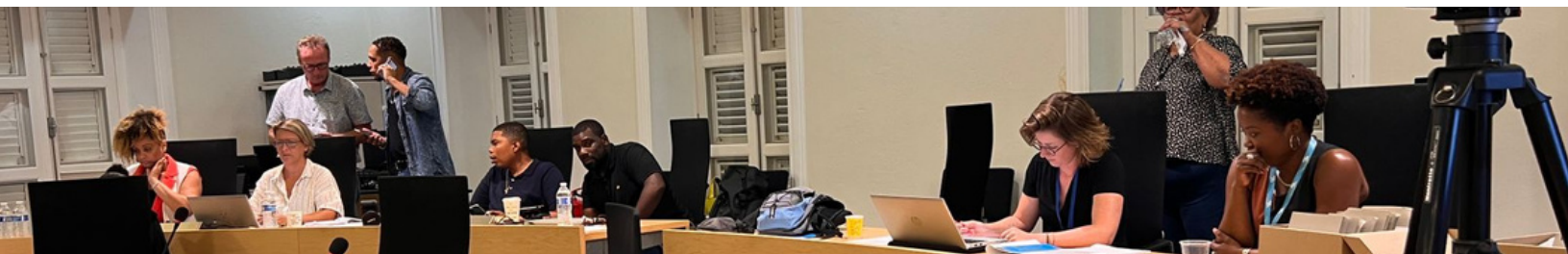
On Sint Eustatius, the delegation observed that at 6:00am election materials were distributed by the police to the two polling stations, which were centrally located for ease of access. In 2020, the number of polling stations was increased from one to two as a measure to alleviate crowding during the Covid-19 pandemic. This measure continued for this election and helped to keep waiting times to vote to under 20 minutes. Both polling stations opened at 7:30am and during the course of the day, the delegation observed a steady flow of voters.

The vast majority of the electorate knew how to vote and those people who voted for the first time were applauded by the polling station members, which motivated their participation. When a voter did not know how to mark the ballot, one of the polling station members would verbally indicate the steps to follow, without endangering the secrecy of the vote.

It was observed that each polling station had seven members, of whom 12 were women (85.7%) and 2 were men (14.3%). The board members were very knowledgeable about the process and displayed experience in executing their role.

Even though there is a guide for polling stations that contains an overview of all the relevant accessibility facilities in and around a proposed voting location; in Sint Eustatius the delegation noted that when persons with disabilities, the elderly, and pregnant women arrived at polling stations, they were not given priority to vote and had to wait in the lines without any kind of assistance.

At 9:00 p.m. the polling stations were closed and the counting began publicly in the presence of political parties, authorities and the media. The scrutiny of one of the voting centers (Mike van Putten Youth Center) was broadcast in real time by the Government's Facebook page. Despite the fact that all the processes were followed, the vote count process was very slow and the Governor did not announce the preliminary results until around 1:15 a.m.



05 Post-electoral Phase

Bonaire

On March 16th, the day after the elections, the new Voting Bureau Public Entity (SOL) was convened at 9:00 am and continued with the procedure of counting the votes per candidate for both the Island Council and the Electoral College. Final results were announced by the Lieutenant Governor in the meeting of the Electoral Council at 7pm, which was also broadcast publicly in the Town Hall (Passangrahan) Square on large screens, as well as via social media platforms (Facebook Live) and on local TV.

The Island Council Election results gave 3 seats to the Partido Demokratiko Boneriano (PDB), 3 seats to Union Patriotico Boneriano (UPB), 2 seats to Movementu di Pueblo Boneriano (MPB) and 1 seat to M21. The official voter turnout was 64.5%, with 10,524 votes cast out of the 16,315 persons eligible to vote.

The Electoral College election gave 3 seats to the Partido Demokratiko Boneriano (PDB), 2 seats to Union Patriotico Boneriano (UPB), 2 seats to Movementu di Pueblo Boneriano (MPB), 1 seat to List Jaap Kos and 1 seat to M21. The official voter turnout was 64.5%, having cast votes 8,977 citizens out of the 14,620 eligible to vote. The complete electoral results are presented in Annex 1 of this report.

Saba

The morning after the elections, the delegation attended the verification of the official results at the office of the Saba Entity, which were also shared with the media and the public on the Entity's official Facebook Page[9]. The results showed that the Windward Islands Peoples Movement (WAPM) party won 3 Island Council seats representing 59.33% of the votes, and the Progress, Equality and Prosperity Party (PEP) won 2 seats, representing 31.15% of the votes. The blank list received 95 votes, and the new Saba Caring People Party received four votes, neither of which was enough to win a seat on the Council. The detailed results of the elections are included in Annex 1 of this report.

Likewise, the mission noted that the turnout for these elections, at 83.64%, was lower than in the 2019 Island Council elections, when participation was 92.12%.[10] Likewise, the results of the election of the Electoral College showed lower participation compared to the Island Council, where a total of 496 votes were cast, representing a participation of 59.3% for this election.

[9] See <https://www.facebook.com/PublicEntitySaba/posts/580488160777127>

[10] See https://www.sabagov.com/post/voting-bureau-public-entity-saba-approves-reports-polling-stations?fbclid=IwAR0nYpA1T7bdogtg0eu-x8ex_hpZMk98YCzeopJrE8JSVw6eFO8C86xBRBk

Sint Eustatius

As noted previously, the Voting Bureau Public Entity (SOL) was used for the first time in these elections. At 10:00am on the day after the elections, the SOL members reviewed the polling station minutes and, due to the inconsistency of a vote in one of the precincts, it was decided to recount the votes. Eventually, the votes of both precincts were recounted and the results of the recount were announced around 12:15p.m. and 1:30p.m, respectively. Although the recount did not change the preliminary results of the March 15 vote count, the delegation views this process as a useful verification exercise that serves to instill further trust in the outcomes of the elections.

It is also worth noting that for the Island Council and Electoral College on Sint Eustatius, 60% of the elected candidates are women. The full results for the Island Council and Electoral College elections are included in Annex 1 of this report.

Out of the 2,205 eligible voters on Sint Eustatius, 1,751 people (79.4%) participated in the Island Council election, while a total of 866 people (40.2%) voted in the Electoral College election. Trends for all three islands show a significantly lower participation rate for the Electoral College election, which the OAS delegations believe merits consideration of ways to improve the understanding of the rationale and functioning of the Electoral College among voters as a way to encourage increased participation rates. One critique that the OAS delegation heard in this regard was that promotional materials for the Electoral College election were prepared by the Ministry in the European Netherlands and as such lacked an element of local relevance with voters in the special municipalities.

Proxy Voting System results

Although the use of the proxy voting system varied among the three special municipalities for the 2023 elections, it still remains high relative to the European Netherlands. On Bonaire, 12.69% of the votes for the Island Council Election were proxy votes,[11] while it was significantly higher on Saba and Sint Eustatius, where 25.19% and 36.7% of the votes, respectively, were cast through proxy voting.



[11] See proxy voting results in https://www.bonairestemt.nl/wp-content/uploads/Volmachten_vs_Stemmen.pdf

06 Findings and Recommendations

Based on the information gathered through its discussions with national and electoral authorities and civil society and its observations on Election Day, the OAS delegations offer the following recommendations, which they hope will support the Caribbean Netherlands' efforts to continue strengthening its electoral processes. The majority of these recommendations are applicable to all three of the special municipalities; however, specific mention is made below for those recommendations that may apply to a particular municipality.

01 Electoral materials:

- Although the design of the materials had a color to distinguish between the two elections, they used a relatively small font for both the text and ballot boxes and had no color or logo to differentiate the party lists. In this sense, it is recommended to consider making the text/font-size proportional to the number of candidates on the ballot and to use colors or logos to distinguish the different parties on the ballot. These efforts will assist all voters, particularly persons with visual or other disabilities.
- To assist with a clearer differentiation between the two elections, consider printing the voting passes in both Dutch and English.
- Provide electoral training materials in English.
- Consider expanding the use of transparent ballot boxes to all three special municipalities.

02

Update the voters' list before each election so that current information to facilitate the delivery of voter passes, including home addresses, can be included on the list.

03

To protect the secrecy of the vote and discourage possible vote buying, consider requiring persons to leave their cell phones outside of the polling booth and prohibit voters from taking pictures of their completed ballot.

04

While proxy voting is a valuable measure to extend voters' rights when they cannot physically go to the polls, the relatively high percentage of proxy votes used in the Caribbean Netherlands in every election and the numerous concerns expressed regarding their potential misuse, the OAS delegations recommend:

- Medical certificates or proof of travel to accompany written requests.
- To consider limiting proxy voting to a maximum of 1 per in-person voter.
- Assessing the use of other voting procedures for persons who cannot be physically present, such as early voting, postal voting, or expanding the use of mobile polling stations (using Bonaire as a model).
- Expanding the efforts made by electoral authorities in these elections to promote awareness among stakeholders as to the proper use and legal ramifications of the misuse of the proxy vote.



05

For such small numbers of voters, the vote count process in two of the special municipalities lasted well into the morning of the day after the elections. In this regard, the OAS recommends the use of tools to assist with a faster vote count process, such as a draft tally sheet, to: i) report the total number of voting cards received and number of ballots cast; ii) organize the ballots per candidate from the beginning of the vote count in order to obtain the number of votes per candidate; and iii) subsequently use those vote tallies to obtain the total number of votes by party.

06

In regards to voter education and awareness, the delegation recommends to review and update as necessary websites and other public sources for information about the electoral process, including party and candidate registration procedures, to ensure that it is complete and that relevant information is available in other languages commonly used in the special municipalities other than Dutch; particularly English, Spanish and Papiamentu.

07

To increase understanding of and participation in the Electoral College election process, the delegation proposes that educational materials be developed that better incorporate the relevance of these elections at the local level. In addition, the OAS recommends to design the voting passes for the Island Council and Electoral College elections in

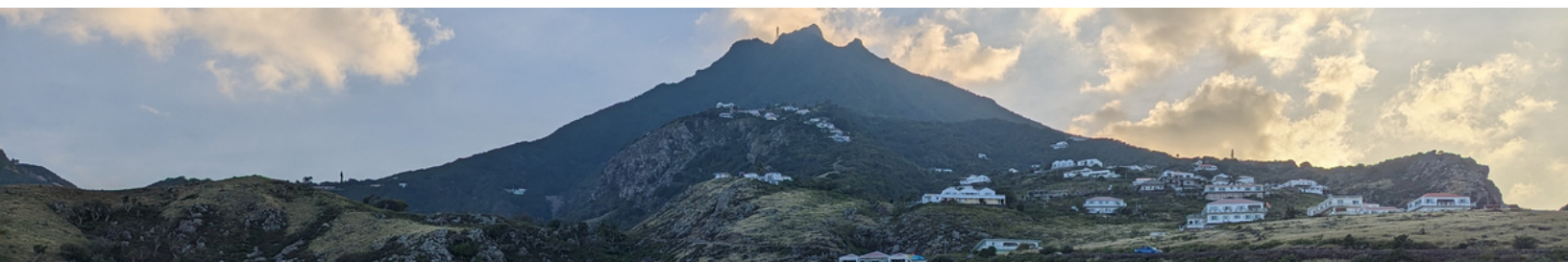
such a way that there is a clearer distinction between the two passes that voters use on election day.

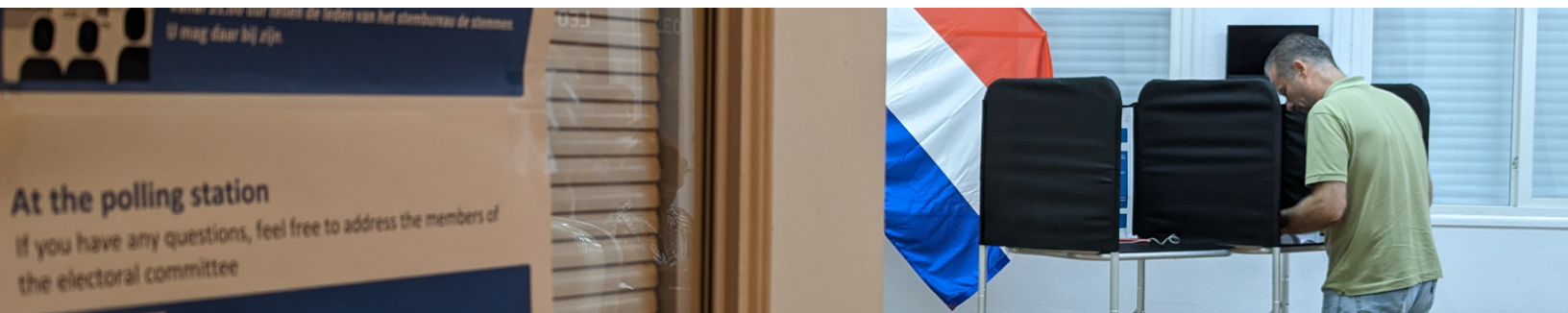
08

While the active participation of women in all phases of the electoral process is notable, particularly on Bonaire and Sint Eustatius, there is still a gap in the number of male versus female candidates, especially on Saba. As such, the OAS delegation recommends that authorities consider introducing appropriate legal measures, such as a gender quota for political parties and candidates. In addition, the delegation recommends that the national and local government, electoral authority, political parties, civil society, and other actors work in coordination to develop training, mentoring programs, and other initiatives to promote youth and women's participation and leadership in politics, as well as the inclusion of affirmative action measures to guarantee the full exercise of political rights of women and the promotion of gender equality in elections.

09

The OAS delegation proposes that island political and electoral officials promote and facilitate opportunities for public debate among parties and candidates to discuss their proposals and platforms, so that the residents of the islands can make informed decisions in the next electoral process.





10

Considering that the current conditions of the Political Party Financing Act, particularly the required size of political movements and the stipulation to have representation in the Netherlands' House or Senate, do not allow for political parties and candidates in the special municipalities to access public subsidies granted by law, the OAS delegation recommends reviewing the applicability of national regulations on political financing to local entities and applying specific measures that would promote the strengthening of local political parties in the electoral contest.

11

The OAS delegation recommends for future electoral processes to take measures to ensure the full implementation of laws requiring that each voting station is fully accessible to all voters, regardless of age or physical ability. These efforts should include training of polling station officials and consideration of other special requirements to guarantee that people with disabilities, the elderly and/or pregnant women receive preferential attention during the voting process.

12

The delegation considers that, although the current results data transmission system worked successfully, it would be beneficial to have a more formal and secure mechanism for transmitting the preliminary electoral results.

07 Acknowledgements

The delegation wishes to thank the Government of the Kingdom of The Netherlands, particularly Minister Hanke Bruins Slot, for extending this invitation, as well as the governmental and electoral authorities of the special municipalities, the stakeholders with whom it met, and all citizens for their kind collaboration and their willingness to engage in open discussions on the issues in the 2023 electoral processes. The delegation is also grateful to the Ministry of the Interior and Kingdom Relations and the Permanent Observer Mission of The Netherlands in Washington DC, for their support in all aspects of arranging the deployment of the OAS delegations to the special municipalities of the Netherlands.

08 Annexes

Annex 1: Final Results of Caribbean Netherlands 2023 Island Council and Electoral College Elections

Table 2.1.1: Bonaire - Island Council Election Final Results

PARTY LIST	TOTAL VOTES	% of valid votes	SEATS
Movementu di Pueblo Boneriano (MPB)	2,034	19.90%	2
Partido Demokratiko Boneriano (Demokrat)	3,975	38.90%	3
Union Patriotico Boneriano (UPB)	2,908	28.40%	3
1Union Pa Pueblo (1UPP)	268	2.60%	0
M21	985	9.60%	1
List Suzy Thode	62	0.60%	0
TOTAL VALID VOTES	10,232	100.00%	9
Invalid Votes	174		
Blank Votes	118		
TOTAL VOTES CAST	10,524		

Table 2.1.2: Bonaire – Electoral College Election Final Results

PARTY	TOTAL VOTES	% of valid votes	SEATS
Movementu di Pueblo Boneriano (MPB)	1,451	16.80%	2
Partido Demokratiko Boneriano (Demokrat)	3,212	37.20%	3
Union Patriotico Boneriano (UPB)	2,275	26.30%	2
M21	816	9.40%	1
List Jaap Kos	892	10.30%	1
TOTAL VALID VOTES	8,646	100.00%	9
Invalid Votes	110		
Blank Votes	221		
TOTAL VOTES CAST	8,977		

[12] Source: Konseho Supremo Elektoral (<https://www.bonairevotes.com>)

See Official Island Council Report of the SOL in <https://www.bonairestemt.nl/wp-content/uploads/Na-31-2-proces-verbaal-SOL-eilandsraad.pdf>

Table 2.2.1: Saba - Island Council Election Final Results

PARTY LIST	TOTAL VOTES	% of valid votes	SEATS
Windward Islands People's Movement (WIPM)	617	59.30%	3
Party for Progress, Equality and Prosperity (PEP)	324	31.20%	2
Saba Caring People Party	4	0.40%	0
List 4 (United People Movement)	95	9.10%	0
TOTAL VALID VOTES	1,040	100.00%	5
Invalid Votes	5		
Blank Votes	7		
TOTAL VOTES CAST	1,052		

Table 2.2.2: Saba – Electoral College Election Final Results

PARTY LIST	TOTAL VOTES	% of valid votes	SEATS
Windward Islands People's Movement (WIPM)	496	100.00%	5
TOTAL VALID VOTES	496	100.00%	5
Invalid Votes	23		
Blank Votes	25		
TOTAL VOTES CAST	544		

[13] Source: <https://www.sabagov.com/post/central-voting-bureau-establishes-final-election-results>

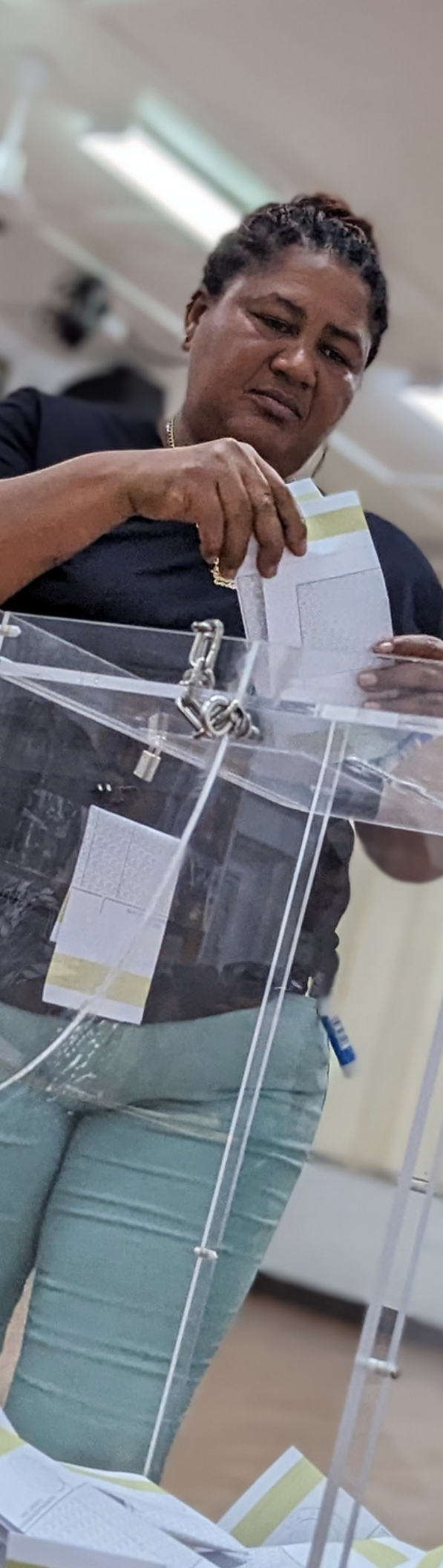
Table 2.3.1: Sint Eustatius - Island Council Election Final Results

PARTY LIST	TOTAL VOTES	% of valid votes	SEATS
Progressive Labour Party (PLP)	979	55.60%	3
Democratic Party (DP)	663	37.70%	2
Christian Democratic Appeal (CDA)	117	6.70%	0
TOTAL VALID VOTES	1,759	100.00%	5
Invalid Votes	14		
Blank Votes	2		
TOTAL VOTES CAST	1,775		

Table 2.3.2: Sint Eustatius – Electoral College Election Final Results

PARTY LIST	TOTAL VOTES	% of valid votes	SEATS
Democratic Party (DP)	582	71.15%	4
Christian Democratic Appeal (CDA)	236	28.85%	1
TOTAL VALID VOTES	818	100.00%	5
Invalid Votes	14		
Blank Votes	34		
TOTAL VOTES CAST	866		

[14] Source: <https://www.statiagovernment.com/key-topics/elections/documents/publications/2023/03/31/procesverbaal-verkiezing-kiescollege-2023>



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