

file# 64.336

Upon this nineteenth day of June two thousand and fourteen, came and appeared before me, Faride Eloisa Elixie Tjon Ajong, civil law notary in Sint Maarten: -----

-Mr. Hasani Brenden Ellis, born in Sint Maarten on August seventeenth, nineteen hundred eighty-five, residing at Chincherry Road 48A, Pointe Blanche, Sint Maarten, who identified himself with a Kingdom of the Netherlands passport issued in Sint Maarten, a copy of which passport remains in the safekeeping of me, civil law notary, by these presents acting as President of the board of- and as such legally representing **THE DEMOCRATIC PARTY OF ST MAARTEN**, an Association, established in Sint Maarten, with office address in Sint Maarten at 14 Orange Grove Road, Cole Bay, which Association is registered in the Commercial Register of the Chamber of Commerce & Industry in Sint Maarten under serial number 22500.0 -----

The appearer, acting as aforementioned, declared that in the extraordinary general membership meeting of said Association, held in Sint Maarten on June eighteenth, two thousand and fourteen, it was legally decided to amend the constitution of said Association, in the manner as to be mentioned hereinafter. -----

Said resolution appears from the minutes of said general membership meeting, a copy of which will be attached to this deed. -----

The appearer, acting as mentioned, declared pursuant to the abovementioned resolution, to amend the constitution of said Association in such a way, that: -----

A. a new paragraph 3 is added to the existing Article 9 of the present constitution; and -----

B. the present paragraph 5 in Article 11 is deleted and replaced with a new paragraph 5; -----

which amendments shall be effectuated in the present deed and as a consequence of which amendments, the constitution of the said Association will now henceforth read in its entirety as follows: -----

**“NAME, SEAT, DURATION AND FINANCIAL YEAR OF THE ASSOCIATION.** -----

Article 1. -----

The Association bears the name of: -----  
**"THE DEMOCRATIC PARTY OF ST MAARTEN"**, -----  
abbreviated as DP or D.P. and for the purposes of this Constitution also referred to as the "Party" or the "Association". -----

Article 2. -----

The Party has been established on St Maarten. -----

Article 3. -----

The Party acknowledges as its Founding Fathers: Mister Percy Clement Desmond Labega and Dr Albert Claudius Wathey, who in July, nineteen hundred and fifty-four, established the original principles and objectives

of the Democratic Party movement on St Maarten as it is generally -----  
known today. -----

**FISCAL YEAR.** -----

Article 4. -----

The fiscal year of the Association runs from January first up to and -----  
including December thirty first of each calendar year. -----

**OBJECTIVES.** -----

Article 5. -----

The objectives of the Party are: -----

1. To function as a Political Party for the entire community of St ---  
Maarten, rejecting all forms of discrimination. -----
2. To continuously seek improvement of the quality of life on St ---  
Maarten and to give quality leadership in all these endeavors. ---
3. To uphold and respect the constitutional rights of each individual  
in the community. -----
4. To promote the socio-economic welfare of the population of St -  
Maarten according to Christian, social democratic principles and  
ideals, the Party's policies and principles. -----
5. To do all that is possible to achieve greater economic -----  
opportunity for the island of St Maarten. -----
6. To promote social cohesion and patriotism amongst all -----  
inhabitants. -----
7. To protect the democratic fundamentals of the country's legal ---  
and constitutional system. -----
8. To raise the political awareness of the general population. Every  
election year, as much as possible simultaneously with its -----  
candidates' list, the Party will publicize its Party's political -----  
program and or vision for St. Maarten. 9. To affiliate with and to  
work closely with other political parties and entities having -----  
compatible aims and purpose. -----

**WAYS AND MEANS.** -----

Article 6. -----

The Party shall achieve its objectives through all legal ways and means -  
and in particular, but not limited thereto by: -----

1. Participating in elections for public office. The Party will submit  
a list of candidates, after a selection from nominations of the ----  
General Membership Meeting, made during a meeting of the ----  
General Membership, convened for this purpose. (Prospective) -  
Candidates must be members of the Party, declare to abide by ---  
this constitution and other Party regulations and directives. -----  
Every election year, the Party will decide on a maximum amount  
of candidates. -----  
The Party can jointly with (an) other Party(ties) submit a list of -  
candidates on the basis of an Memorandum of Understanding ---  
between Parties. -----
2. Convening internal and public meetings, organizing conferences,  
seminars, congresses, assemblies, contact meetings and forums.

3. The use of television, radio, newspapers, press conferences, -----  
electronic (social) media or any other legal form of -----  
communication. -----
4. Publishing, printing and distributing its own material, such as --  
newsletters, bulletins etcetera. -----
5. All other legally permissible means. -----

**MEMBERS.** -----

Article 7. -----

1. The Membership of the Association consists of the following --  
categories: Ordinary members, Honorary members, Extra- -----  
ordinary members, Non-voting members. -----
2. a. Ordinary Members are the Districts as mentioned in article --  
15 of this Constitution as well as the individual members of -  
said Districts. -----  
Said individual members, must meet the following -----  
requirements: -----
  - Be an inhabitant of Sint Maarten and have the right to --  
vote. -----
  - Be at least eighteen years old. -----
  - Not be a member of any other Political Party or -----  
Association of this nature. -----
  - Adhere to the articles of the Constitution of the -----  
Association and its Bylaws. -----

The Party board, in accordance with the By-Laws, shall -----  
decide on the admission of ordinary Members. -----
- b. Honorary Members are those who have been of exceptional -  
service to the Party in particular and Sint Maarten in -----  
general. -----
- c. Extra-ordinary Members are those who do not live on the ---  
island of St Maarten. -----  
Extra-ordinary members are appointed by the National -----  
Council, on written recommendation of the Party Council. --  
Extra-ordinary members carry a consultative voice in Party -  
affairs. -----
- d. Non-voting Members are persons who due to age or -----  
nationality do not yet qualify as full fledged members. -----  
(Youth members, naturalization candidates etcetera) -----  
Non-voting Members shall be introduced by a full fledged --  
member in good standing. -----
3. Members have to be accepted as such by the Board of the Party,  
in accordance with the guidelines determined in the By-Laws. --

**THE ENDING OR INTERRUPTION OF MEMBERSHIP.** -----

Article 8. -----

Membership ends: -----

- a. In the case that a member does not comply any longer with the -  
requirements as mentioned in article 7. In such a case the Board  
will confirm the termination of the membership in writing, -----

- b. mentioning the reasons of the measure; -----  
By expulsion or termination of Membership by the Board in -----  
accordance with the guidelines laid down in the By-Laws. -----  
Membership is interrupted: -----
- c. When a member is suspended for disciplinary reasons as laid ----  
down in the By-Laws or when a member so desires and so -----  
expresses in writing for valid and acceptable reasons. (In the  
case -----  
of travel, transfers, etcetera) -----  
General procedures of interruption/termination: -----  
Any notice of suspension, expulsion or termination of -----  
membership by the Board must be in writing and substantiated. -  
This writing shall be communicated to the member within one --  
month of the decision of the Board. When a member has been ---  
suspended or expelled or his/her membership terminated, he/she  
may appeal to the Committee of Disputes. This appeal must be --  
submitted in writing within two (2) weeks after the written -----  
suspension, expulsion or termination has been received by the ---  
member. -----  
A member whose membership has been interrupted for not -----  
paying his/her dues for more than a year, can only be reinstated -  
if and when the outstanding contributions have been paid up in -  
full. When a member tenders his/her resignation to the Board, ---  
and whereby a period of thirty (30) days shall be observed, this -  
notice of resignation does not absolve this member of the -----  
obligation to pay contributions in arrears or current up until the -  
official ending of his/her membership. -----
- d. When the Honorary Membership is withdrawn, cancelled or -----  
annulled by the General Meeting of Members. -----
- e. When an individual member dies or a member district is -----  
dissolved, through merging or any other reason. -----  
A member of the Party who is elected on the Party's slate to the  
membership of Parliament or appointed by or on behalf of the ---  
Party to the executive branch of Government, or who by way of  
succession is eligible for such positions, must at the termination  
of his/her Party membership, relinquish his/her position in the ---  
legislative or executive branch or must decline the acceptance of  
said position in the case of succession. -----  
This declaration will be issued along with the candidate's consent  
to be(come) a candidate on the list of the Democratic Party of St.  
Maarten. -----

Article 9. -----

The funds of the Party shall be derived from: -----

- 1. a. Enrollment fees, contributions and other dues from members.  
Elected and appointed representatives must pay a monthly ---  
contribution of five hundred Guilders, Netherlands Antilles -  
Currency (Nafls 500,—). -----

- This amount will be reviewed yearly. -----
      - b. Donations. -----
      - c. All other income permitted by Law. -----
- 2. Enrollment fees and contributions are established by the General Membership Meeting upon proposal by the Board and are ----- subject to revision from time to time. -----  
 These fees are due upon the official acceptance as a member. At the discretion of the Board the enrollment fees and other ----- membership dues can be paid in installments. -----
- 3. The Board of the Party will manage and supervise the finances of the Party in accordance with all legal obligations of the ----- Association. The Board will ensure the prudent financial ----- administration of the Party and the proper keeping of the books -- and records. -----

**THE GENERAL MEETINGS OF MEMBERS** -----

**THE NATIONAL COUNCIL.** -----

Article 10. -----

- 1. Each year an Annual General Membership Meeting (also to be - called the "National Council") will be held before August ----- thirty-first. -----
- 2. In said meeting the following topics will be part of the agenda -- and will be dealt with: -----
  - a. The annual board report, to be presented by the President, -- highlighting the past year's activities and developments and - proposed actions and targets for the coming year. -----
  - b. The annual financial report by the Treasurer. -----
  - c. Report by the Auditing Committee. -----
  - d. Elections for vacancies on the Board. -----
  - e. Appointment of new members of the Auditing Committee. --
  - f. Appointment of new members of the Committee of Disputes. Members of the Board may not be a member of the Auditing --- Committee or a member of the Committee of Disputes. -----
- 3. Extra-ordinary General Membership Meetings shall be held ---- whenever the Board deems it necessary to inform the ----- membership on matters of importance or developments. -----  
 Notification in such a case must be given at least 4 days before - the meeting, except in extreme urgent cases. -----
- 4. The Annual General Membership Meeting shall be convened in writing and published in one or more local daily newspapers at - least seven (7) days prior to the meeting itself. The agenda must be made known simultaneously. Topics for the meeting which -- have been submitted to the Board in due time and which can be prepared with due observance of the term to convene the ----- meeting, shall be mentioned as part of the convocation. -----  
 In cases of urgency the Board may reduce the notice term of 7 -- (seven) days to 3 (three) days. -----
- 5. Special General Meetings can also be called at the request of at -

- least one third (1/3) of the Ordinary Members and/or Voting Members and must be done in writing with a proposed agenda and signed by those requesting the meeting; providing that all who signed are present as quorum when the meeting is opened. If there is no quorum to carry the agenda during the meeting, then the board may postpone this meeting until further notice.
6. In the event that the Board neglects or declines to honor a request for a special General Meeting (as referred to under article, 10, paragraph. 5.) for more than 14 (fourteen) days, then the Members shall be entitled to convene a special General Meeting themselves as stipulated in the By-Laws.
  7. To be valid, the quorum of a Special General Meeting must amount to at least one third (1/3) of the total voting membership during attendance.
 

If during this first gathering the attendance is less than one third (1/3) of the voting membership, then a second meeting with the same agenda must be convened and in accordance with paragraph 4. of this article.

This second meeting is to be held within a time frame of not less than one (1) week and not more than three (3) weeks. In this second meeting the agenda topics can be dealt with and decided upon regardless of the number of voting members present at this meeting.
  8. All resolutions are taken by majority of the votes cast, unless otherwise provided for in this Constitution.
  9. Only Member-Districts and Members of the Party Council have the rights to vote. The Member-Districts have five (5) votes each and the Party Council members have one (1) vote each in the National Council. Voting by Proxy is not permitted. The voting by Member-Districts is done by Delegates of that District, which Delegates have been duly elected by the members of the respective Districts. A District-Delegate to the National Council may not be at the same time a Party Council Member.
  10. Voting on matters shall be done verbally, voting on persons shall be done in writing, through secret and unsigned ballots. In case of doubt, the Board shall decide whether there is a case of persons or matters.
  11. Abstentions and blank ballots shall not be considered as votes cast.
  12. If an appointment is voted upon, the person who has obtained the absolute majority of the votes cast (fifty percent plus one), is held to be elected. In the event that nobody has obtained such a majority, a final run-off ballot shall be taken between the two (2) persons who have obtained the largest number of votes. If more than two (2) persons have qualified for the final run-off ballot, then an interim run-off ballot will take place. If necessary more than one interim ballot shall be held to determine the two (2)

candidates for the final run-off ballot. If in a FINAL ballot both persons should obtain the same number of votes, lots shall be drawn to determine the winner. This principle of selection is also applicable in the event of a deadlock of votes to select and determine the second candidate who has to qualify for a run-off election.

**THE BOARD.**

Article 11.

1. The task of the Board is to administratively run the Party in a responsible way. Furthermore it is the task of the Board to make it possible for the Party's membership in particular and the community in general to interact with its elected and appointed political representatives; to build and maintain an ever expanding support base for the Party and elected representatives wherever possible, so that they can carry out their tasks and assignments diligently and responsibly according to the Country's Constitution and laws and considering the Party's constitution, its program and political vision.
2. The Board consists of a maximum number of 9 (nine) persons to wit: a maximum of 8 (eight) elected Board Members being: The President, the Secretary, the Treasurer, these 3 (three) forming the Executive Board and a maximum of 5 (five) regular board members from amongst whom will be elected a Vice President. The ninth board member position will be filled by the Party Leader.
3. Board members are elected from the Ordinary Members, which election will be take place during the Annual General Meeting of Members. The candidates must be at least twenty-one (21) years of age on the day of postulation.
4. Members of the Board are elected in function for a period of two (2) years. Normally every year, 4 (four) of the 8 (eight) eligible board member positions will be subject to (re)election according to a pre-set sequence to guarantee a form of continuity; in EVEN years: the positions of President, and 3 (three) board members, in ODD years: the positions of the Treasurer, the Secretary and the 2 (two) remaining board members.
5. The General Meeting of Members can suspend and/or dismiss a Board-member. The Party Council recommends the dismissal or suspension of a board member to the General Meeting of Members, after providing the member in question a reasonable opportunity to object in writing to his/her intended dismissal or suspension. Both the recommendation to dismiss or suspend and the objection will be presented to the General Meeting of Members. Once a recommendation of the Party Council is made known to

the board member, he/she is suspended until the decision of the -  
General Meeting of Members. -----

6. A board-member who has been elected to a Representative Body  
(legislative or executive) of Government and accepts his/her -----  
office, has to vacate his/her board position unless given -----  
dispensation by the Party Council. -----

**RESERVE BOARD MEMBERS AND CONTINGENCY ---  
REGULATIONS.** -----

7. The results of Board member elections as stipulated in the -----  
paragraphs of this article will be duly recorded by the Election --  
Committee in an official procedure report (proces verbaal). -----  
Board member candidates who have not been elected during the  
last election, will be instituted as reserve board members, -----  
ranking according to the amount of votes they accumulated -----  
during the last Board election. These reserve board members will  
be ranked according to the amount of votes they accumulated ---  
during their first original ballot count. The votes a candidate ----  
received during an interim or final run-off ballot will not be ----  
applicable. -----

A reserve Board member will be a replacement for a retiring, ---  
resigning, suspended or dismissed board member in the order as  
stipulated by this Constitution or further supplemented in the ----  
By-Laws. The results of the last elections for Board members ---  
automatically replaces the previous existing line-up of reserve --  
Board Members and their ranking. -----

8. In the case that the President of the Board is unavailable or in the  
case of his absence for whatever reason, his duties on the Board  
will be filled by the Vice President. If the Vice-President is -----  
unavailable as well, these duties will be filled by the Secretary --  
and then by the Treasurer in that order. -----

9. If the President, respectively the Secretary or the Treasurer -----  
should resign or be suspended or dismissed or hindered to carry  
out their respective tasks for whatever other reason, then these --  
members will be replaced by the Vice-President, respectively ---  
board members, until the next Annual General Meeting of -----  
Members and the then statutory elections for Board members. ---

10. The vacant seat of board member on the board will be filled by -  
the highest ranking reserve Board Member and if he/she declines  
for whatever reason or does not qualify then by the second -----  
highest ranking reserve Board Member, etcetera until the -----  
following elections. Any such appointment will be initiated by --  
the sitting Chairman of the Election Committee. -----

**BOARD MEETINGS.** -----

11. Board meetings shall be held as frequently as the President -----  
and/or the Board deems this necessary for the proper functioning  
of the Party, but at least once every two (2) months. -----

12. Board meetings shall be valid if more than half of the Board ----



members are present. If at the meeting more than half of the members are not present, a second meeting must be convened with the same agenda, which meeting is to be held not less than forty eight (48) hours and not more than seven (7) days after the first meeting, in which second meeting the topics to be dealt with can be decided upon regardless of the number of the Board members present at this meeting.

**THE PARTY LEADER.**

Article 12.

1. The Party Leader is the captain of the "body politique" of the Party.  
The Party Leader is the leader in Government affairs, and leads the Party in campaigns, elections, political debates, represents the Party in other (political) organizations, and issues all key political statements etcetera and heads the political list for the elections.
2. The Party leader can, in consultation with the board, delegate one or more of the above mentioned responsibilities, for a defined period of time or specific circumstance.  
The Party Leader will be elected by the rank and file of the Party as stipulated in the By-Laws of the Association.
3. In order to maintain a continuous liaison between the Board and the Elected Representatives (the political faction), the ninth board member position will be reserved for the Party Leader.

Article 13.

1. The Party shall judicially and extra-judicially be represented by the Executive Board.
2. The Executive Board shall consist of the President, the Treasurer and the Secretary or their respective substitutes as laid down in the Constitution.

**THE DISTRICTS.**

Article 14.

1. A district consists of all the members of the Party who are residing in an area on Sint Maarten which has been designated as a District by the Board.
2. Each District shall have a District Board or at least one district Representative.
3. The composition and functioning of the Districts and the District Boards or Representatives shall be regulated in the By-Laws.

**THE PARTY COUNCIL.**

Article 15.

1. The Party Council will have the task to advise and supervise the Board on behalf of the National Council.
2. The Party Council will advise upon request or at its own initiative.
3. The Party Council shall be appointed by the National Council and shall consist of all the Board members, the District

Chairpersons or District Representative, the Chairpersons of the Permanent Committees (or their substitutes), and the persons elected and/or appointed to Government Representative and Executive Bodies. 4. The Party Council shall meet at least once every two (2) months.

**ADVISORY COMMITTEE AND OTHER COMMITTEES.**

Article 16.

1. The General Meeting of Members shall appoint an Advisory Committee with the task to advise the Bodies and Committees of the Party.
2. The Advisory Committee will advise upon request or at its own initiative. Whenever the Advisory Committee has given any advise it shall report the same to the Board simultaneously.
3. The General Meeting of Members (National Council) on advice of the Board may also establish other Permanent or Ad Hoc Committees as well as those mentioned in the By-Laws and regulate their tasks and the manner of their functioning.
4. These Committees will report to the Board from time to time on their activities, projects and the progress thereof. The Board shall render periodic reports to the General Meeting of Members concerning the status and progress of the various Committees.

**THE BY-LAWS.**

Article 17.

Other stipulations regarding the organization and management of the Association, the Party, shall be dealt with in the By-Laws as far as not herein contained. The By-Laws shall not contain any regulations conflicting with this Constitution of the Association.

In matters not regulated in the Constitution, in the By-Laws or by other resolutions of the General Meeting of Members, the Board shall decide.

**AMENDMENTS OF THE CONSTITUTION.**

Article 18.

This Constitution shall be amendable only in a General Meeting of Members specially convened for such purpose and wherein at least two/third (2/3) of the Member Districts are present and the amendment is approved by at least a two/third (2/3) majority vote. In the event the required number of Member Districts is not present at the time of this special general meeting, within not less than one (1) week and not more than four (4) weeks thereafter a special meeting can be convened wherein valid decisions can be taken, regardless of the number of voting members present.

**DISSOLUTION OF THE ASSOCIATION, OF THE PARTY.**

Article 19.

The dissolution of the Association shall be executed in accordance with the Civil Code of Sint Maarten or any such Legislation replacing this at such time. In case of the dissolution of the Association the General Meeting of Members decides about the allocation of a positive balance by lack of which any positive balance will be granted to for

equal and/or pro ratio part to the members of the Association.” -----  
The appearer is known to me, civil law notary. -----  
WHEREOF THIS DEED, has been executed in Sint Maarten, in one ---  
original copy, on the date mentioned in the heading hereof. -----  
After relating the substance of this deed to the appearer, he declared to -  
have examined the contents of this deed and that he does not desire the -  
complete reading of this deed. -----  
Then, after summary reading of this deed, this deed was signed by the --  
appearer and me, civil law notary. -----  
Was signed:-----  
-----ISSUED FOR TRUE COPY-----