



# What constitutes a majority in Curaçao Government? An analysis of the results of Curaçao's March 2021 elections

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## ABSTRACT

The objective of this case study is to examine the current electoral system of Curaçao to ascertain whether it provides adequate representation of its constituents. The current system is imbalanced because it favors the larger political parties disproportionately, which leads to a distortion of the will of the voter. The results from the most recent election held in March 2021 were compiled and examined. An alternative system was considered to gain insight into the detrimental effects of the current system. An evaluation of the current system employed to allocate seats after the election were found to be inequitable, suggesting that measures should be taken to enhance the legitimacy of the system by better reflecting the will of the voters. Given that it has been decades since the system was examined, this research provides an updated foundation for considering alternative allocation procedures that would be more consistent with a healthy representative democracy.

**Keywords:** Election, Electoral system, Curaçao, Politics

## INTRODUCTION

On March 19, 2021, Curaçao voted for the 38<sup>th</sup> time in open elections, which, in this case, was the election to elect the 21 members of the Staten, which is akin to a parliament. Soon after the election, a coalition was formed by two of the largest parties (i.e., MFK and PNP) that won the most seats. Notably, the PAR remained the second largest party. Together, MFK and PNP currently hold a majority of 13 seats (MFK: 9; PNP: 4), though they only received 40% of the votes cast, corresponding with 29% of eligible voters. The discrepancy between votes received and seats occupied is due largely to certain shortcomings associated with the current electoral system. As a consequence, the system's legitimacy may be called into question in the long run. A public discussion regarding the merits of the current system is therefore justified, and adjustments should be considered. This is particularly important in light of the global pressure on democratic societies (Goede, 2019).

## CURACAO'S EXISTING ELECTION SYSTEM

The current system was established by law, Kiesreglement Curaçao (Regering van Curacao, Kiesreglement Curacao, 2010). The Parliament in Curaçao is referred to as the Staten of Curaçao and has a total of 21 seats, with its members elected by proportional representation.

The political parties that won at least one seat in the previous (2017) election were allowed to automatically participate in the elections, while a primary election or pre-election was held to determine which non-parliamentary political parties or lists could also participate in the 2021 election. In the pre-election, these political parties or lists are required to obtain the equivalent of at least 1% of the votes cast in the previous general election (i.e., 2017), and thus, in order to participate, the threshold to advance was 789 votes.

After tallying the results of the general election, the seats are then allocated on the basis of an electoral quota, which is equal to the total of the valid votes cast in the election divided by 21 (i.e., the total number of seats). In the 2021 election, this quota was 4,040 votes. The number of votes received by a political party divided by the quota gives the number of seats won, provided that it is at least one seat. If the votes are less than the quota, the party or list does not receive a seat.

The remaining or 'residual' seats are allocated by applying the system of greatest mean. Parties or lists that do not reach the initial quota are not in contention for a residual seat either. To allocate the residual seats, one seat is successively allocated to the political party, which, after allocation of the seat, has the highest average number of votes per allocated seat.

#### **CURACAO'S 2021 PRE-ELECTION AND PRIMARY ELECTION RESULTS**

The pre-election (or qualification round) was held on 30 and 31 January 2021. The threshold to advance to the elections on March 19, 2021 was 789 votes (1% of the total valid votes cast in the prior elections, of 2017). A total of 16 political parties and lists participated, while only 8 cleared the threshold. A record 19,224 votes were cast in these pre-elections (Statenverkiezingen Curacao 2021, 2021).

In total, 15 parties participated in the elections, including 8 from the pre-elections and 7 who already had representation in Parliament. The total number of voters that could vote (100%) was 116,146. The number of votes not cast was 30,168 (26%). The total number of valid votes cast was 84,846 (74%). The number of Blanco and invalid votes was 1,132. The electoral threshold was 4,040 votes. The total number of votes cast for parties that obtained one or more seats was 60,326 (71%). The total number of votes cast for the parties that did not receive a seat was 24,520 (29%). The above presented information is also presented in Table 1.

The new coalition was formed by two large parties, MFK and PNP. The number of votes cast for MFK was 23,554 and PNP received 10,781 votes, which resulted in the New Coalition receiving 34,127 votes or 40% of the total number of registered voters and 29% of votes cast during the elections.

**Table 1. Summary of 2021 election data**

|   |         |      |                                     |
|---|---------|------|-------------------------------------|
| Total Number of Voters (100%)                                       | 116,146 | 100% |                                     |
| Number of votes not cast (26%)                                      | 30,168  | 26%  |                                     |
| Total Valid Votes Cast (74%)  | 84,846  | 74%  |                                     |
|   |         |      |                                     |
| Total Valid Votes Cast  | 84,846  | 100% |                                     |
| Number of Votes of Parties that have achieved one or more seats (1) | 60,326  | 71%  |                                     |
| Number of Votes of the Parties that did not receive a Seat (2 + 3)  | 24,520  | 29%  |                                     |
|   |         |      |                                     |
| Number of votes of MFK (23,554) and PNP (10,781) New Coalition      | 34,127  | 40%  | 29% of those with the right to vote |

**Table 2. Detailed results of the March 19, 2021 elections.**

| Political parties  | Number of votes | Primary allocation of seats    | Remaining votes after first allocation | Number of allocate Residual seats | Average number votes per Residual seat | Total seats obtained | Real Quotient per obtained seat |
|--------------------|-----------------|--------------------------------|--|-----------------------------------|--|----------------------|---------------------------------|
| <b>MFK</b>         | 23,554          | 5                              | 3,354                                  | 4                                 | 838                                    | 9                    | 2,617                           |
| <b>PAR</b>         | 11,781          | 2                              | 3,701                                  | 2                                 | 1,850                                  | 4                    | 2,945                           |
| <b>PNP</b>         | 10,573          | 2                              | 2,493                                  | 2                                 | 1,246                                  | 4                    | 2,643                           |
| <b>MAN</b>         | 5,463           | 1                              | 1,423                                  | 1                                 | 1,423                                  | 2                    | 2,731                           |
| <b>KEM</b>         | 4,542           | 1                              | 502                                    | 0                                 | -                                      | 1                    | 4,542                           |
| <b>TPK</b>         | 4,413           | 1                              | 373                                    | 0                                 | -                                      | 1                    | 4,413                           |
| <b>Sub-total 1</b> | 60,326          | 71.1% = 12seats = 48,480 votes | 11,846                                 | 9 seats                           |  | 21                   | 2,872 Average votes per seat    |
| <b>UKPK</b>        | 3,962           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>PIN</b>         | 3,733           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>VISHON</b>      | 3,541           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>KDNT</b>        | 3,521           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>Sub-total 2</b> | 14,757          | 17.4% = 0 seats                |  | 0                                 |  |                      |                                 |
| <b>MKP</b>         | 2,454           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>PD</b>          | 2,391           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>KUMUN</b>       | 2,241           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>MP</b>          | 1,461           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>PS</b>          | 1,216           | 0                              | -                                      |                                   |  |                      |                                 |
| <b>Sub-total 3</b> | 9,763           | 11.5% = 0 seats                |  | 0                                 |  |                      |                                 |
| <b>TOTAL</b>       | 84,846          | 12                             |  | 9                                 |  | 21                   |                                 |
| <b>Quota</b>       | 4,040           |                                |  |                                   |  |                      |                                 |

Table 2 above presents the plebiscites results. In the first column, we present the names of the 15 political parties in three clusters. The first cluster is that of the political parties that have obtained seats. Cluster two includes the political parties that have not obtained a seat for a difference of fewer than 500 votes, while the last cluster consists of the other parties that fall far short of the threshold.

The second column shows the number of votes per political party. The third column shows the seat distribution based on the full quota. The second and third clusters in the third column indicate that 29% of the votes were cast for a party that did not obtain a seat. The fourth column shows the number of votes that remain, i.e., surplus votes, after allocating the seats for those parties that obtained at least one seat. Column five shows how the 9 residual seats are allocated. The sixth column indicates the ratio of the total number of 'surplus' votes of the party is divided by the number of residual seats received by the party. It indicates that the MFK receives a residual seat for each 838 surplus votes, whereas the quota is 4,040.

The seventh column includes final division of seats of this election. The eighth column shows the value of the total number of votes cast for a party with seats, divided by the number of seats on that party. This shows, for example, that for every 2,617 votes, the MFK earned one seat, while UKPK has zero seats with 3,962 votes.

### **REFORMING CURACAO'S ELECTION SYSTEM**

The proposal outlined here involves two allocation rounds of the 21 seats. In the first round, the seats are allocated according to the number of times the party received the full quota. In the first round, parties falling short of the quota will not receive a seat.

In the second round, ***all*** parties that received votes participate in the distribution of residual seats that remain after the first round. The distribution is based on the highest quotient of the votes of the parties. This is done until all the residual seats have been divided among the parties.

**Table 3. Proposed system for distribution of seats in Curacao's parliament.**

| Political parties | Number of votes | First seat allocation according to quota | Surplus votes after first allocation | Number of allocated Residual seats | Seats per political party+ Average votes per received seat |
|-------------------|-----------------|--|--------------------------------------|------------------------------------|--|
| MFK               | 23,554          | 5  | 3,354                                | 2                                  | 7 (3,365 avps)   |
| PAR               | 11,781          | 2  | 3,701                                | 2                                  | 4 (2,945 avps)   |
| PNP               | 10,573          | 2  | 2,493                                | 1                                  | 3 (3,524 avps)   |
| MAN               | 5,463           | 1  | 1,423                                |                                    | 1 (5,463 avps)   |
| KEM               | 4,542           | 1  | 502                                  |                                    | 1 (4,542 avps)   |
| TPK               | 4,413           | 1  | 373                                  |                                    | 1 (4,413 avps)   |
| Sub-total         | 60,326          | 12 seats                                 | 11,846                               | 5 RESIDUAL SEATS                   | 17   |
| UKPK              | 3,962           | 0  | 3,962                                | 1                                  | 1 (3,962 avps)   |
| PIN               | 3,733           | 0  | 3,733                                | 1                                  | 1 (3,733 avps)   |
| VISHON            | 3,541           | 0  | 3,541                                | 1                                  | 1 (3,541 avps)   |
| KDNT              | 3,521           | 0  | 3,521                                | 1                                  | 1 (3,521 avps)   |
| Sub-total         | 14,757          | 0 seats                                  | 14,757                               | 4 RESIDUAL SEATS                   | 4  |
| MKP               | 2,454           | 0  | 2,454                                | 0                                  | 0  |
| PD                | 2,391           | 0  | 2,391                                | 0                                  | 0  |
| KUMUN             | 2,241           | 0  | 2,241                                | 0                                  | 0  |
| MP                | 1,461           | 0  | 1,461                                | 0                                  | 0  |
| PS                | 1,216           | 0  | 1,216                                | 0                                  | 0  |
| Sub-total         | 9,763           | 0 seats                                  | 9,763                                | 0                                  | 0  |
| <b>TOTAL</b>      | <b>84,846</b>   | <b>12 seats</b>                          | <b>36.366</b>                        | <b>9 residual seats</b>            | <b>21</b>  |

Table 3 above shows the results of the most recent elections after applying the proposed alternative to allocate residual votes. The third column shows the seats per party according to the quota. In the fourth column, the remaining or surplus votes per party are presented.

The fifth column shows the result of allocating the residual seats, in which all parties that obtained votes participate in the election participate. The difference in the results compared to the current system is that four parties that do not receive a (residual) seat while following the current system would now receive one. MFK and PAR obtain two residual seats and that the number of votes per seat of the for example the MFK is 1,677 votes per residual seat. This is considerably higher than 838 what is currently the case. In the sixth column, we see the seat distribution is following the proposal, including the average votes per seat.

### DISCUSSION AND CONCLUSIONS

We conclude that the current system in general highly favors big parties when it comes to allocating residual seats. This leads to the distortion of real political power in a multi-party system. A coalition can obtain a vast majority of seats in Parliament while obtaining less than

30% of the eligible votes. If you will, 40% of the cast votes—a minority rules the country. This reduces the democratic legitimacy of the government.

It appears that cause of this problem is the system itself. In recent elections, the number of new parties participating in elections has increased, leading to more parties not passing the threshold (equal to the quota) to obtain a seat, which leads to a high number of unrepresented votes and hence residual seats. In general, the higher number of parties or lists entering the election, the higher the number of residual seats. Many small, often new political parties only lack a few votes (less than 500) to pass the threshold and end up with no seat in Parliament, meaning that discontent voters who voted for change by voting for a new party end up indirectly supporting a party they did not want to support in government.

To correct this democratic deficit, we propose to include the parties who do not meet the quota in the allocation of the residual seats. This will lead to a more democratic reflection of the voters' will and contribute to the legitimacy of the system and also the result of the election. The downside of this proposition is that it might lead to political fragmentation, making the forming of a stable coalition more complex and therefore lead to political instability. To mitigate this, we propose to consider to increase the threshold in the pre-elections so that fewer political parties enter the election.

In a sense, this is also the limitation of the alternative voice of voters, as it also hinders new parties from entering the electoral race. For such parties to continue being able to join the electoral race, we propose the concept of list connection (electoral alliance, linking of lists, election coalition). This means that from the start, political parties in the pre-election announce that if they do not reach the threshold, their votes should be counted together with that of an upfront specified other party in the pre-election. The result might be that the connected lists combined surpass the threshold and can participate in the general elections as a combined list. There are other issues related to the electoral system of Curaçao as well. The authors wonder if a coalition must obtain at least 50% of the cast votes, not merely a majority of the seats in Parliament. Should that not be a formal rule stated in the regulations of elections?

For years, the media and politicians have continued an ongoing discussion about changing the regulation to assign seats to the political party or list instead of the candidate because this has led to instability. In many instances, members of Parliament left the party and withdraw their support from the government coalition, which precipitates the dissolution of the government. Methods for formulating rules regarding how political parties should be formally structured have also been discussed. Currently, there still are political parties that do not have legal personality and are not registered. There is also laws regulating campaign finance, though it is not enforced in practice and is thus ineffective. All the above have contributed to the commercialization of votes on the islands. Unfortunately, votes are routinely bought and sold, though this is explicitly forbidden by law (Landsverordening financiën politieke groeperingen, 2012).

Finally, as a consequence of Curaçao becoming an autonomous country within the Kingdom of the Netherlands, one branch of the government was abolished, and the island went from two layers of government to one layer. The expectation was that it would improve democracy and governance, particularly efficiency. Ten years later, it is clear that it has not worked. In practice,

a minister deals with macro issues and micro issues simultaneously, such as laws and policy regarding the public roads and pits on a specific street in a particular neighborhood. We thus propose to institute neighborhood governments (councils) to deal with such micro issues. This second layer of government will improve democracy as government will have much more direct involvement with the voters. We do not recommend a district election system for the Staten, because we consider the island too small for such a system.

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