

Bill to Redefine Political Party Nomination Rules Fails to Advance Despite Praise from Democratic Party Chair

Independent Sen. Alma Francis Heyliger’s bill to replace struck-down election provisions and give parties flexibility in nomination processes was praised as a “commendable start” but drew concerns over clarity before failing to get a second in committee.

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Virgin Islanders voting early on St. Croix during the 2020 elections. By. ERNICE GILBERT, V.I. CONSORTIUM.

Despite praise for the “concept” of [Bill 36-0071](#) from the chair of the Democratic Party, lawmakers in the party declined to support the effort to provide a new framework for how political

parties choose their nominees for public office. Independent Senator Alma Francis Heyliger, the bill's sponsor, introduced the measure on Friday, deeming it a “necessary piece of legislation.”

Francis Heyliger reminded members of the Committee on Government Operations, Veterans Affairs and Consumer Protection of the outcome of a 2022 lawsuit filed by the local and national Republican parties challenging prevailing election law. In 2024, Judge Robert Molloy ruled in their favor of the Republican Party, striking down several clauses in the territory's Election Code as unconstitutional. These included Title 18, section 232, which alluded to the Board of Elections' right to certify the nominating process.

Despite not being beholden to the party process, Francis Heyliger said she nonetheless identified the need to have the law “fixed” before the next election. Her bill, she said, offers a “solution that would be constitutional but still give leeway to the parties to make their own decision.” Bill 36-0071 retains the Board of Elections' authority to set a date for primary elections, but creates an option for “parties to opt out by [a] time certain.” Failure to do so would mean “they're automatically, by default, put into the primaries run specifically by the Board of Elections,” explained the bill's sponsor.

Carol Burke, chair of the local Democratic party, was the day's only testifier. John Yob, Republican party chair, indicated that he would be traveling on Friday but did not respond to an invitation to testify virtually, according to correspondence read into the record. Supervisor of Elections Caroline Fawkes, meanwhile, submitted correspondence stating that her office would comply with the Legislature's decision.

With the floor to herself, Ms. Burke chastised the Legislature for the absence of “prompt, swift legislative engagement” following Judge Molloy's ruling. His decision, she said, ended the practice of the Board of Elections overreaching “in the affairs of local parties” but required legislative action. Nonetheless, she agreed that Friday's meeting was the “perfect opportunity to begin to reset and clarify the standards governing the role of political parties in primary elections.”

In an attempt to explain democratic senators' delay in revising the sections of Title 18 deemed unconstitutional, Senator Carla Joseph told Ms. Burke that “in this system, we have preemptions.” She suggested that Senator Francis Heyliger “may have possibly preempted some of us...So don't beat us too hard...It isn't that we aren't trying to do our best to rectify.” Senator Novelle Francis, too, alluded to preemption, but it's a notion that the bill's sponsor rubbished.

“I submitted my paperwork, and to date, I have never, not once, gotten a letter from legal counsel stating that I was preempting anyone,” she stated. The Consortium understands that Senator Francis Heyliger had prepared the bill in the 35th Legislature but was unable to present it then. She subsequently resubmitted it in the 36th Legislature.

Notwithstanding who submitted the bill, Ms. Burke described it as a “procedural compass” and a means to “confront a legislative gap that has caused confusion and cast unnecessary doubt on the electoral process.” [Judge Molloy's ruling](#) affirmed that all political parties should be “free to govern their internal affairs without undue interference from the government.” “As lawmakers, you must uphold your responsibility to preserve the democratic process,” she advised the committee. “Bill 36-0071, introduced by Senator Alma Francis Heyliger, restores that rhythm,” testified Ms. Burke. “What this bill accomplishes is simple, elegant and essential,” she added.

Still, Ms. Burke offered several recommendations that she believed would provide “clarity.” That included additional definitions, delineation of the role of the Supervisor of Elections, Board of

Elections, and Political Parties, and the addition of “safeguards for voter access.” She suggested that without those components, the bill will “fail to restore that public confidence or withstand judicial scrutiny.” She described Bill 36-0071 as a “commendable start” but asserted that by itself, it does not satisfy Judge Molloy’s ruling.

That comment raised concern from several senators, including Ray Fonseca and Novelle Francis. Sen. Francis, for his part, wondered whether the bill required a “tremendous amount” of work. He indicated his awareness that at the “party level,” work is underway to “shore up those concerns that have been raised by Judge Molloy’s ruling.”

Senator Francis Heyliger, meanwhile, disagreed with Ms. Burke. Though she stated that she was open to amendments, she told Ms. Burke, “I don't want a situation where we pack so many things into it, it opens up yet another doorway for us to be taken to court.” She argued that the bill did comply with the ruling, but assured Ms. Burke that “we could go back and add in all these other things.”

She warned that “if this doesn't get passed, it's going to be a whole lot of drama next year.” However, Ms. Burke reminded Sen. Francis Heyliger that an election had already taken place after Judge Molloy’s ruling, effectively ignoring the notice that sections of Title 18 are unconstitutional. “We already in a lot of problems... I ask you to really consider my testimony. Take it back to legal counsel. I don't care. The point is that we resetting right now. We're trying to get everything right,” said an impassioned Carol Burke.

Despite the exhortations of the party chair, Senator Francis Heyliger’s motion to advance Bill 36-0071 to the Committee on Rules and Judiciary did not receive a second from any of the five other senators present, all Democrats. Senator Carla Joseph could be heard off-camera inquiring about the whereabouts of Senator Franklin Johnson, the other independent committee member. Though present during the first half of Friday’s session, Senator Johnson was not in the chambers when the bill was discussed.

With general elections in 2026 quickly approaching, Senator Alma Francis Heyliger is now weighing her options on how to proceed with Bill 36-0071. Among the pathways available to her is special ordering of the bill to the floor during a future Legislative session. Her previous efforts in that regard, however, have tended to also not receive the support of her colleagues. This leaves it unclear as to when – or even if – lawmakers plan to replace the struck-down election laws.