

The Virgin Islands Consortium

New Election Lawsuit Challenges Ballot Access Rules and Democratic Party Settlement

The complaint challenges the 200-signature requirement for independent delegate candidates, the rejection of inactive voter signatures, and a new “dual-certification” process created through the Democratic Party’s recent settlement with election officials

Election / **Published On May 05, 2026 06:09 AM /**

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A new federal lawsuit is challenging both Virgin Islands election law and the [recent settlement](#) between the Democratic Party of the Virgin Islands and election officials, with three candidates arguing that current ballot-access rules impose unequal burdens, rely too heavily on private party decisions, and exceed the Elections System’s legal authority.

Filed Friday in District Court, the complaint asks the court to strike down the signature requirement for independent delegate candidates, invalidate what it describes as a new “dual-certification framework,” and block election officials from rejecting signatures from voters deemed inactive.

The plaintiffs are Shelley Moorhead, Collister Fahie, and Lorelei Monsanto. The lawsuit names Elections Supervisor Caroline Fawkes and the Board of Elections as defendants and seeks declaratory and injunctive relief.

According to the complaint, Virgin Islands law places a heavier burden on candidates based on whether they are affiliated with a political party. The suit says independent candidates running for Delegate to the House of Representatives must gather signatures from at least 200 qualified, active electors, with 100 from each district. “By contrast, party-affiliated candidates seeking the same office are subject to materially lower signature requirements imposed through a combination of statutory provisions and party-administered nomination process,” the lawsuit states. It argues that this disparity “imposes a materially greater burden on independent candidates in violation of the First and Fourteenth Amendments to the United States Constitution.”

The complaint also challenges how the Election System of the Virgin Islands applies the law, arguing that ESVI routinely excludes signatures from voters classified as inactive. According to the lawsuit, that practice is “inflating the effective signature burden beyond the statutory threshold.”

The suit also points directly to the recent settlement in the Democratic Party’s separate case against election officials, arguing that it created a “dual-certification” framework “under which access to the primary election ballot is conditioned in part on certification by a private political party through an internal vetting process, enforced through governmental authority.”

Although they filed jointly, the three plaintiffs say they are affected by the current system in different ways.

Mr. Moorhead is identified in the lawsuit as an independent candidate for Delegate to the House of Representatives. According to the complaint, he is now collecting signatures and must meet the requirement of obtaining at least 100 signatures from active voters in each district, while party-affiliated candidates face what he says are materially lower requirements.

Mr. Fahie and Ms. Monsanto are both seeking seats in the Legislature of the Virgin Islands, but under different party affiliations. Mr. Fahie is running as a Republican candidate, while Ms. Monsanto is running as a Democrat.

According to Mr. Fahie, “the legal identity and organizational standing of the Republican Party of the Virgin Islands remains subject to active and unresolved administrative proceedings before the Office of the Lieutenant Governor.” He argues that there is currently no “single, legally authorized entity” holding the Republican Party name in the territory that is authorized to issue party nominations, creating “a material and immediate risk” to his ballot access.

Ms. Monsanto, meanwhile, argues that her candidacy is subject to internal Democratic Party certification rules that “are not reflected in any statute, are not publicly articulated, and are not subject to judicial review.” The complaint says the recent settlement has placed the fate of her nomination in the hands of “private, unreviewable decisions of a political party organization.”

The plaintiffs contend that the current nomination system is marked by “system-wide constitutional defects,” driven by the different treatment of similarly situated candidates and voters “across materially equivalent circumstances.”

The complaint also points to a February 2026 legal opinion from the Attorney General, which it says limits the Elections System to “determining party qualification and statutory candidate compliance.” According to the lawsuit, the settlement agreement signed by Elections Supervisor Caroline Fawkes on behalf of ESVI “is inconsistent with this official interpretation of Defendants’ own legal authority” because it imposes “an additional, non-statutory layer of candidate certification beyond what the law permits.”

The lawsuit further states that a second Attorney General opinion issued in mid-April reaffirmed that earlier view. In that later opinion, according to the complaint, “The Attorney General confirmed that while political parties retain discretion over the selection of party officers, the process by which candidates for public office advance from the primary election to the general election is governed by Virgin Islands Law and not subject to alteration by party-controlled processes.”

The plaintiffs are asking the court to declare unconstitutional the 200-signature requirement for independent delegate candidates, the “dual-certification framework” established through the Democratic Party settlement, and the rejection of inactive voter signatures for nomination petitions. They also want the court to block enforcement of those practices, as well as any conditioning of ballot access “on certification by any private political organization absent publicly articulated, judicially reviewable standards established by law.”