

## **Election System Disqualifies McClafferty Over Nomination Signature Complaints; Candidate Says He Will Appeal**

**ESVI said complaints from St. Croix signers, alleged misrepresentation by a circulator and incomplete candidate-name fields compromised McClafferty’s nomination papers; he called the decision “horribly flawed” and requested a board hearing to appeal.**

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**Matthew McClafferty.**

Aspiring Delegate to Congress Candidate Matthew McClafferty has notified Election Supervisor Caroline Fawkes that he intends to appeal his disqualification from the ballot, after the Election System of the Virgin Islands rejected his nomination paperwork over complaints involving

signatures collected on St. Croix.

According to correspondence seen by Consortium journalists, Mr. McClafferty was disqualified after ESVI investigated six complaints received from signers of his nomination papers. Several complainants reportedly gave "materially identical accounts" alleging that their signatures were obtained through "false and misleading representations," according to ESVI.

Ms. Fawkes launched an investigation after receiving the complaints and found several issues with the collection of signatures for Mr. McClafferty on St. Croix. ESVI said "the nomination circulator misrepresented himself as the candidate to induce signatures," and that "nomination papers were circulated with the candidate's name field blank or incomplete at the time of signing."

As a result, ESVI said "voters were not fully informed of the identity of the candidate, a material fact necessary for a valid signature," according to correspondence sent to Mr. McClafferty.

At least two St. Croix residents spoke to the Consortium at the beginning of June, saying they had been [essentially tricked](#) into signing nomination paperwork for Mr. McClafferty. In both instances, the men said the person with the paperwork did not properly disclose who the signatures were being collected for.

Businessman Shomari Moorehead said a man identifying himself as David Greaux approached him at a popular eatery and said he was collecting signatures on his own behalf. Mr. Moorehead said he later contacted ESVI with a question about Mr. Greaux's candidacy, only to learn that the name was not on the list of aspirants for any elected office.

ESVI's investigation found that Mr. Greaux was circulating nomination papers on behalf of Mr. McClafferty on St. Croix, in contravention of regulations requiring that petitions for an aspirant be circulated by a resident of each of the territory's two electoral districts. Under those rules, petition papers on St. Croix must be circulated by a St. Croix resident, while papers on St. Thomas must be circulated by a resident of that district.

ESVI also pointed to surveillance camera footage that appeared to show Mr. Greaux entering the premises where nomination papers for Mr. McClafferty were being circulated. Mr. McClafferty's designated petition circulator for St. Croix, Jonathan James, was reportedly not visible in the footage reviewed by ESVI.

Although Mr. James signed an affidavit affirming his role as circulator, ESVI argued that on at least one occasion, he was not the person circulating the nomination papers.

The notice of disqualification cited "well-established election law principles that signatures obtained through fraud, coercion, or material misrepresentation" are invalid. Because of what ESVI described as the "systemic nature of the misconduct," the agency said the "integrity of the nomination papers submission is compromised," and rejected all of Mr. McClafferty's nomination paperwork. His candidacy was therefore disqualified.

On Monday morning, Mr. McClafferty announced his intention to appeal what he described as the "horribly flawed" decision to remove him from the ballot. He argued that "the notion that six complaints out of 521 signatures" could result in his disqualification was "ludicrous."

He also pointed to what he said was ESVI's failure to provide him with the required three-day cure period. Mr. McClafferty claimed that his campaign was given only two days to cure defects after initial findings were made in his nomination paperwork.

He further challenged the Election Supervisor's authority to "unilaterally change your certification deadline." Doing so, particularly to target a specific candidate, violates the Constitution's equal protection protections under U.S. law, Mr. McClafferty argued.

Mr. McClafferty also called the findings from ESVI's investigation "not only erroneous" but "also bogus." He cited Mr. James' affidavit and reiterated the sworn assertion that "all of the petitions were circulated by Mr. James and all signatures were gathered in his presence."

Mr. McClafferty also rejected ESVI's reliance on surveillance footage that officials said showed Mr. Greaux holding nomination paperwork in Mr. James' absence.

"What you mistakenly believe are petitions were likely address yard sign sheets," he said.

Even if Mr. Greaux had been holding nomination petitions, Mr. McClafferty argued, "there is no law or rule that disallows Mr. Greaux from possessing the petitions or holding them for safekeeping." He maintained that ESVI has no evidence proving the misconduct it alleged.

Mr. McClafferty also contended that complaints from six of his more than 500 signatories do not "take legal precedent over the affidavits submitted to the Board of Elections by both Mr. Jonathan James and Mr. David Greaux."

The Delegate to Congress aspirant said he is convinced there is "a concerted effort to unconstitutionally keep [him], specifically, from appearing on the ballot."

Mr. McClafferty has demanded a timely hearing before the Board of Elections to adjudicate his appeal. He has also promised to "take the appropriate legal action" if that request is denied.