

The Virgin Islands Consortium

Petition Asks Superior Court to Force Separate Delegate Ballot Ahead of Nov. 3 Election

Mary Moorhead is asking the Superior Court to compel the Election System to place the Delegate to Congress contest on a separate ballot, arguing that both Virgin Islands and federal law make the requirement mandatory before the Nov. 3 election this year.

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A petition filed Tuesday in Superior Court seeks to compel the Election System of the Virgin Islands to place the Delegate contest on a separate ballot from local electoral races, challenging the Board of Elections' decision to continue using a combined ballot ahead of the Nov. 3 election.

Mary Moorhead, who filed the petition, argues that provisions in both Title 18 of the Virgin Islands Code and Title 48 of the United States Code leave neither the Board of Elections nor the Election System with discretion to combine the contests. According to the petition, the law requires a separate ballot containing the names of candidates seeking the office of Delegate to the House of Representatives.

Petition Cites Local and Federal Law

Moorhead points to Section 21(b) of Title 18 VIC, which states in part that “the Supervisor of Elections shall cause to be entered on the Official Ballot a separate ballot containing the names of candidates for the office of Delegate to the House of Representatives.”

She also cites Section 1712 of Title 48 USC, which states that “the Delegate from the Virgin Islands shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate.”

Noting that “the statutory language is mandatory,” Moorhead’s petition argues that “the Delegate contest must be presented as a separate ballot.”

Moorhead Challenges Board's June Decision

The petition directly challenges the Board of Elections’ [June decision to continue keeping federal and local races on one ballot.](#)

Moorhead contends that the Board’s position conflicts with both local and federal law and is asking the Superior Court to issue a writ of mandamus compelling election officials to place the contests on two distinct ballots.

Her petition also rejects the idea that the Delegate contest can satisfy the statutory requirement simply by being made “separately identifiable” on the same ballot containing local candidates.

Moorhead argues that such an approach “would deprive Congress’ chosen phrase of independent operative meaning.” The phrase at issue is “by separate ballot,” which Moorhead maintains must be read literally.

Petition Seeks Court Action Before Nov. 3

Moorhead is asking the Superior Court to declare that placing the Delegate race and local contests on a combined ballot violates Virgin Islands and federal election law.

She is also urging the court to act before the Nov. 3 election, seeking an order that would require the Election System to separate the contests onto distinct ballots.