

The Virgin Islands Consortium

Virgin Islands Law And The Nomination Process: What You Should Know

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Dear Editor,

Widespread discussions concerning the role of the Election System of the Virgin Islands (ESVI) in allowing candidates' names to appear on the ballot have occurred over the airwaves and wherever concerned citizens have gathered since September 2014. As dedicated public servants, we at the ESVI take pride in carrying out the mandates given to us by law and want the people of the Virgin Islands to be thoroughly familiar with the details of that law. Once armed with information, thoughtful discussion and solutions to our current election dilemmas can be put forward.

Many people have strongly suggested that the ESVI does not properly “vet” candidates prior to placing their names on the ballot. This is simply not the case. In fact, “vetting” is not mentioned in the election laws. The nomination requirements and procedures are prescribed by law. In our territory, the role of the ESVI is to determine eligibility of candidates based on sworn documents submitted to us. The type of documents submitted to ESVI are prescribed by law, specifically 18 V.I.C. §348 “Affidavits of Candidates.” Section 348 of Title 18 of the Virgin Islands Code requires a candidate to sign and have notarized an affidavit which testifies to the required residency, proper election district, eligibility for office sought, and, if applicable, that the candidate is a registered and enrolled member of the designated party for which he or she states affiliation. Section 348, #5, specifically states “...*he will not knowingly violate any provision of this title.*”

Understandably, the public may believe that vetting requires ESVI to undertake extensive investigation into statements made or omitted from these sworn documents. However, neither the laws of this territory, nor the laws of most states, provide for that. To commence the type of “vetting” that has been suggested would require the ESVI to undertake financial searches and visits to the stated residences of hundreds of nominees. This is both logistically and economically impractical. Further, the sworn candidates’ affidavits are made under the penalty of perjury, therefore a remedy currently exists for those submitting inaccurate information.

Section 411 of Title 18 of the Virgin Islands Code explains the role of the Deputy Supervisor and the Supervisor of Elections in the nomination process. The statute provides that “(a) *The Supervisor of Elections or his deputy shall forthwith examine the nomination petitions, nomination papers or nomination certificates filed with him under this chapter and shall permit them to be examined by any interested citizen; (b) if the Supervisor determines that a candidate for election or nomination does not meet the qualifications established by law for the office, then he shall disqualify such candidate and delete the candidate’s name from the ballot if the ballots have not been printed.*” Virgin Islands law provides that a disqualified candidate is afforded three days to file a new valid petition, paper or certificate. If the identity or capacity of a nominee is in question, the Supervisor of Elections is legally empowered to hold a public hearing within three days after the closed nomination period to make a final determination on the validity of the nomination petitions and papers filed.

As you have seen played out in election after election, the strengths and weaknesses of individual candidates are judged by the electorate based on information from the candidates and their campaigns, from the political party that the candidate is affiliated with, from the media, and from other non-governmental sources including word-of-mouth.

The Election System of the Virgin Islands is non-partisan and works dutifully to ensure accessible, fair, accurate, efficient, and transparent elections under the laws of the Virgin Islands. We, too, are voters, and take seriously our role and duty in all aspects of elections including accurately determining the eligibility of candidates to run for public office in the territory.

We are honored to serve the Virgin Islands’ nearly 47,000 registered voters. We stand ready to assist eligible residents to register to vote and cast an informed ballot. To find

out more about ESVI, voter rights, responsibilities, and up-to-date election news, please visit www.vivote.gov or call us at

St. Croix: 340-773-1021 | **St. John:** 340-776-6535 | **St. Thomas:** 340-774-3107.

Submitted by: Caroline F. Fawkes, supervisor of Elections

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