

The Virgin Islands Consortium

Board Votes to Send Lorelei Monsanto Formal Disqualification Notice as Third Circuit Appeal Continues

Board members voted 7-3 to direct Elections Supervisor Caroline Fawkes to formally notify Lorelei Monsanto why she will not appear on the November ballot, while her federal appeal challenging the Democratic Party certification framework remains pending.

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Lorelei Monsanto. By. WTJX.

The Virgin Islands Board of Elections voted Tuesday to formally notify aspiring candidate Lorelei Monsanto why she will not appear on the November general-election ballot, even

as she continues pursuing a federal appeal challenging the framework under which her Democratic candidacy was excluded.

Ms. Monsanto had filed in May as a Democratic aspirant for the Virgin Islands Legislature in the St. Thomas-St. John District, according to the Elections System's official aspirant listing. The Elections System's current November 3 sample ballot does not include her among the candidates for the Legislature.

Her ballot dispute is also before the U.S. Court of Appeals for the Third Circuit as part of litigation brought with Shelley A.H. Moorhead and Collister M. Fahie. Court records show the appeal was docketed as No. 26-2470 in June, with the three plaintiffs challenging election-related restrictions they contend unlawfully affected their access to the ballot.

Earlier this month, the [appellants told the Third Circuit](#) that their claims remained live despite the August 1 primary having passed, rejecting arguments that the disputes had become moot. Ms. Monsanto's challenge centers on a certification system created through a mediated [settlement](#) between the Democratic Party of the Virgin Islands and election officials.

Under that settlement, the Elections System must provide the Democratic Party with a list of aspirants who returned nomination packages and identify those who satisfy statutory qualifications. The party then submits the names of registered Democrats it has certified to advance to the primary ballot. The agreement provides that Democratic candidates who complete the party's screening and vetting process and separately satisfy statutory requirements are formally qualified for placement on the primary ballot.

Ms. Monsanto has argued in federal court that the party certification standards are not contained in statute, are not publicly articulated and leave candidates without meaningful review if the party declines to certify them. The District Court's May memorandum summarized her contention that the arrangement created what she characterized as private gatekeeping enforced through the Elections System.

During Tuesday's Board of Elections meeting, Ms. Monsanto said that although she knew she would not appear on the November ballot, she had never received formal correspondence explaining her status. "I would like to know if you all are going to answer me and disqualify me in writing as to why I was not given the opportunity, even though I got my signatures that is required and followed the law to the letter," she told board members.

Ms. Monsanto also revisited the mediated settlement that established the certification process, noting that she had previously attempted to intervene in that litigation. The District Court denied the proposed intervention in April, finding at that stage that the proposed intervenors had not established the concrete and imminent injury required for Article III standing. The court noted that they had then identified themselves only as prospective candidates and had not yet shown that they had filed nomination papers or been denied ballot access.

At Tuesday's meeting, Ms. Monsanto challenged the Democratic Party's authority, declaring, "The Democratic Party of the United States Virgin Islands is not a registered corporation in the United States Virgin Islands. They have no validity for me."

Board member Kareem Francis responded that the controlling issue was the party's ability to determine who appears under its banner. "The courts ruled...that we cannot infringe on the Democratic Party's rights of dictating who can run and appear on the ballot under their banner," he said.

Mr. Francis then moved to direct the Office of the Supervisor of Elections to send Ms. Monsanto formal correspondence "essentially disqualifying aspirant Monsanto based on those findings." The motion passed 7-3.

"If you want to run as a Democrat or Republican or...what have you, you have to go through that party's process," Mr. Francis said.

The Elections System has already published its St. Thomas-St. John sample ballot for the November 3 general election. The legislative ballot includes Democratic, Republican, independent and ICM candidates, but Ms. Monsanto's name does not appear.

Her federal challenge, however, remains pending before the Third Circuit. The appellate court has not yet issued a ruling resolving the merits of the ballot-access arguments, and the outcome of that litigation will determine whether the appellants obtain any further relief from the federal courts.