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Board of Elections Members Spar Over Electioneering Law; New Equipment Promises to Speed Up Ballot Counting

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Kayra Williams **October 27, 2022**

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The Elections System of the Virgin Islands' early voting center at the St. Joseph Church Hospitality Lounge. By. V.I. CONSORTIUM

V.I. Board of Elections members on Wednesday dealt with several matters related to this year's upcoming general election, including electioneering, a new system to speed up ballot counting on election night, among other important items. Members also examined the granting of poll watching certificates and the status of Election System Software and Equipment (ES&S).

The board approved a motion to issue poll watcher certificates for any candidates at request with reasonable accommodation. This would apply to early voting as well as the general election.

Board members stated that the number of poll watchers should also be considered in order to avoid having too many people at a polling station. A candidate and political party can generally appoint three observers in each Voting Center, although only one is permitted inside a polling station at any given time.

Electioneering was a controversial topic that members sought to find common ground on. According to the Joint Board of Elections, no electioneering is authorized within any polling place's fenced area, or within 200 feet of any polling place's main entrance or gate (property boundary lines) in the Virgin Islands. The 200-foot rule applies to all directions surrounding the polling location, often known as the (Non-Electioneering Zone).

However, there is some ambiguity over private residences, which has been an issue, particularly at the Arthur A. Richards Junior High School on St. Croix.

"The statute should have been written to say 200ft from where the voter gains access instead of the perimeter," Lisa Moorehead, a Board of Elections member noted. "They said when they first enacted it they meant to say door, which would be where the voter has access, but they did not say that and they have not changed it in six years. It is not our prerogative to use a different assessment. A private property has nothing to do with anything. Everybody gets dictated to by law what they can do with private property. You have to pay taxes, you can't cut down trees... there are many requirements that go along with private property. What happened at Arthur Richards, they were within 160ft of the door, not the perimeter, and that's even though they were across the street..." Ms. Moorehead added, alluding to a situation at the Arthur A. Richards K-8th School Modular Cafeteria [during the 2022 Primary Election](#). "Until they choose to change it, it is not for us to reinterpret the law, or add wording to the law. There's nothing in the law about private property," she added.

Raymond Williams, chair of the Board of Elections, stated, "If I am on my private property, I dare anybody to challenge me and tell me I cannot electioneer on my private property."

Ms. Moorehead explained at that point that the reason there were stipulations about electioneering was so that that "people are not intimidated."

"It has nothing to do with who wins or does not win, or which party you're on. It's a consistent thing. All they have to do is make the law say what they want it to say, which it does not."

She added, "What you're suggesting is that if there's a house right next to Arthur Richards, somebody could be out there electioneering... That's BS. Instead of us interpreting it, why don't we ask the AG [attorney general] when we have an attorney? Ask the AG and stop the debate. Get an opinion from the AG so there's no arguments on election day."

Mr. Williams emphasized the importance of "consistency" so that "we're not telling people different things."

The Board of Elections approved a motion made by Ms. Moorehead to ask the AG for an opinion on the statute.

During Wednesday's meeting, member's also announced that new voting equipment had been purchased which would speed up the ballot counting process.

"On election night, unlike the experience we had at the Primary where it took forever to upload, then download, then post the canvas results on our website, we've purchased equipment that

would allow the technicians to upload the information from thumb drives onto the voting tabulation machine,” Mr. Williams shared.

Once the information from voting centers is uploaded and tabulated, it will be uploaded to the website for “immediate dissemination.”

Elections Supervisor Caroline Fawkes said the new machines included a server with two pieces of equipment. One server is on St. Croix and the other on St. Thomas.

“We tested it on the [October] 18th, ES&S was here,” Ms. Fawkes said. “We tested it with some test data and it worked.”

Mr. Williams stated that the board would not print any results until all results were received and processed.

In terms of canvassing of ballots, this will take place on November 10th, while November 18th is the date set for finalizing outstanding ballots. Shortly thereafter, the board will sign off on certification sheets. There is the possibility of starting the process of finalizing outstanding ballots on November 15th, as several board members felt more time was necessary to do so. This will be determined at a later date. The run-off election, if necessary, will take place on November 22nd.