



The League of Women Voters
United States Virgin Islands

ELECTIONS REFORM RECOMMENDATIONS

1. Delete the Party Symbol from the Ballot

In the previous election, voters felt disenfranchised when they were unable to feed their own ballots into the voting machine because of the Symbol. Removing the Symbol will allow all voters to place their own ballots into the voting machine.

2. Charge a Fee for Recounts Outside a “Trigger Margin”

A majority of U.S. states charge a fee if a request for a recount is made outside of a Trigger Margin. The Trigger Margin is defined as an automatic recount that is triggered by such outcomes as a tie or when the difference between candidates is less than 1% . Automatic recounts are not charged a fee and the associated costs are assumed by the government. The following procedure has been modeled from the process found in the website of the National Conference of State Legislatures (www.ncsl.org) under the heading of Recount Costs

(a) A petition for a recount may be filed by any candidate who believes that there has been fraud or error committed in the canvassing or return of the votes cast at such primary or election. The petition shall be filed with the board of elections of the legislative district of the petitioner. Such petition shall contain a statement sworn to before a notary public that the petitioner has reason to believe and does believe that the records or copies of records made by the election officers at one or more polling places in such district are erroneous, specifying wherein he deems such records or copies thereof to be in error; or that votes were cast by persons not entitled to vote therein, and that he believes that a recount of the ballots cast in the district will affect the nomination or election of one or more candidates voted for at such primary or election. The petition may not be filed later than seven (7) working days after the board has issued its official report of the primary, general or special election at which the votes were cast.

(b) Upon the filing of the petition, the board of elections for the district in which the recount is requested shall decide within 3 days whether the recount shall take place. If the board decides in favor of the recount, it shall cause notice of the recount to be given in a manner decided by it. The recount shall be held within 10 days after the filing of the petition and shall be public. The board of elections shall make triplicate certificates of such determination under oath showing the result of the primary or election and what persons were declared nominated for election or elected to fill offices, one of which shall be filed with the Supervisor of Elections, one with the chairman of the board of elections, and one with the person filing the petition for recount. The persons receiving the greatest number of votes, as shown by the statements, up to the number to be nominated or elected shall be deemed to have been nominated or elected, but if, at an election, there shall be no choice by reason of two or more candidates having received an equal number of votes for the office, a new election shall be held in accordance with Title 18

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(c) If the board of elections decides not to approve the petition and grant the recount, it shall record the reasons for such decision. The aggrieved candidate may, within five days after the decision of the board has been made, appeal his case to the Superior Court. The Superior Court shall review the appeal promptly and render a decision. If the decision is in favor of a recount, the board of elections shall be so notified and shall proceed as provided in Title 18.

(d) A recount shall be conducted by the board or by persons designated by the board. The chairman of the board of elections shall designate the specific area of the place of the recount within which the recount will be conducted. Only the candidates whose names appeared on the ballot in the election district, or a specific designee who is to be present on behalf of any such candidate, may remain within the recount area. Any person may be ejected from the recount area or from the place of the recount upon the determination by the chairman of the board or his designee that such person is disrupting the recount procedure.

3. Increase the Number of Signatures Required for Nomination to Candidacy for the Offices of Governor, Congressional Representative and Senators.

This recommendation was presented at the Town Hall Meeting called by Senator Gittens on St. Thomas on June 16, 2015

Intent: To develop a mechanism to change the number of signatures required to qualify an individual for candidacy for elective office. The current stipulation that the valid signatures of 50 members of the electorate are required to nominate an individual as a candidate for elective office was made in 1968 when the electorate was smaller in number than it is today. It is reasonable, then, to require an increase in number of such signatures. Furthermore, there should be a mechanism to determine when or how to change that number as the size of the electorate changes.

Recommendation: The LWV VI recommends that individuals seeking elective offices for the positions of Governor, Congressional Representative and Senator be nominated by a number of signatures that is equal to one-half of one percent of the electorate. The actual number should be changed only if the electorate changes by at least 1000 people from the previous number calculated by this method.

Code Change: Amend VIC Title 18, Chapter 17, Subchapter 11 (381) (b) by deleting "50" and insert "0.5% of the electorate". Develop a statement that provides for the change in actual number of signatures if the electorate should change by at least 1,000 eligible voters.

4. Implement and Enforce Sanctions for Violations of Title 18

While the LWV VI urges the implementation and enforcement of sanctions for violations of Title 18, more time would have been needed to develop specific and meaningful recommendations. The League is of the opinion, nonetheless, that without such sanctions and without enforcement, perceived violations that triggered a number of citizen and candidate complaints will continue to beleaguer the process.

Submitted on behalf of the Board of Directors of the League of Women Voters of the Virgin Islands, July 15, 2015

Gwen-Marie Moolenaar, PhD
President, League of Women Voters of the Virgin Islands

Distribution: Election System of the U.S. Virgin Islands, Ms. Fawkes, Election Supervisor
VI Board of Elections, Arturo Watlington, Esq. Chair, Joint Boards
Senators Kenneth Gittens, Clifford Graham, Jean Forde, Justin Harrigan, (Town Hall
Participants, June 16, 2015)