

RULES AND REGULATIONS

For the administration of the



FILING NOMINATION PETITIONS

AND

PAPERS

PURSUANT TO

TITLE EIGHTEEN Elections (Chs. 1 — 29)

Chapter 17. Nomination of Candidates (Subchs. I — III)

Subchapter I. Nomination at Primaries; Position on Ballots (§§ 341 — 359)

Subchapter II. Nomination of Candidates by Political Bodies (§§ 381 — 385)

Subchapter III. Filing; Objections; Withdrawals; Substitutions; Position on Election Ballot; Certifications (§§ 410 — 420)

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SUPERVISOR OF ELECTIONS

Adopted: March 31, 2020

Rules & Regulations (Nomination Petition & Papers)

4934-1 Title

These rules and regulations shall be known as the Rules and Regulations for the administration of filing nomination petitions and papers.

4934-2 Authority

These rules and regulations are promulgated in accordance with the provisions of Act No. 4934 and Title 18 Virgin Islands Code.

4934-3 Purpose

To develop specific procedures for the administration of filing nomination petitions and papers.

To require the orderly and timely filing of nomination petitions and papers for elected office.

4934-4 Definitions

"Board" means Boards of Elections as provided by Title 18, Section, 41(a). Virgin Islands Code

"Candidate" means an individual who seeks nomination for election, or is elected, to any elective office of this Territory, whether or not such individual has formally or publicly announced his candidacy.

"District" means an election district in the Virgin Islands.

"District Office" means any elective office for which only the electors of a particular election district may vote.

"Election" means any primary, special, runoff, or general election or any territorial committee meeting, caucus, or convention with the authority to nominate or appoint a person to an elective office.

"Elective Office" means every public office in the Territory to which a person can be elected by a vote of the electors under the laws of the United States Virgin Islands.

"Identification" means the full name and address of any person.

Definitions cont'd

"Independent nomination" means the selection by an independent political body or group of electors, in accordance with the provisions of Title 18, VIC of a candidate for public office authorized to be voted for at an election.

"Joint Board" means the Joint Boards of Elections as provided by Title 18, Section, 47(13) Virgin Islands Code.

In 2016 the Legislature amended the law, Title 18, Section 41 to provide that there is a single Board of Elections that governs both election districts.

There are still references to Joint Board throughout Title 18, the Board of Elections has no authority over making such changes as the Legislature will have to make to those changes.

"Nomination" means the selection, in accordance with the provisions of Title 18, of a candidate for public office authorized to be voted for at an election.

"Party or political party means a political party as defined in section 301 of Title 18 Virgin Islands Code.

"Party nomination" means the selection by a political party, in accordance with the provisions of Title 18, VIC of a candidate for public office authorized to be voted for at an election.

"Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

"Political body" means an independent body of electors, as defined in section of Title 18 Virgin Islands Code.

"Principal Campaign Committee" means a political committee designated by a candidate pursuant to T. 18 Ch. 29 Section 903 (a).

"Public office" includes every public office, including both district and territorial offices, to which persons can be elected by a vote of the electors under the law of the Virgin Islands or laws applicable to the Virgin Islands.

"Qualified elector or voter" means any person who meets every qualification for voting now or hereafter prescribed by the laws of the Virgin Islands or applicable to the Virgin Islands or who, being otherwise qualified by continuing residence in his election district, will meet such qualifications before the next ensuing election.

"Supervisor" means the Supervisor of Election as provided by Title 18, Section, 4 Virgin Islands Code.

I. Candidate Qualifications

To be nominated by petition or paper, a person must meet the legal qualification for the public office sought. Minimum qualifications are provided in the candidate nomination package prepared by the Office of the Supervisor of Elections and statutory provisions related to particular offices should be consulted for more detail.

II. Nominations petitions and papers

Pursuant to Title 18 section 410 nomination petitions/papers shall be filed with the Office of the Supervisor, in the election district in which the candidate resides. The Supervisor shall accept a filing after 12 p.m. on the second Tuesday of May each election year before 6:00 p.m., seven (7) calendar days thereafter. The Supervisor of Election shall provide the nomination packages thirty (30) days before the date of filing. The petition/papers signature page is used to collect the signature, occupation, addresses, and date of voters supporting a candidacy. The forms prescribed by the Supervisor of Elections shall be the only forms accepted.

Pursuant to the "Rules and Regulation for the administration of Disclosure and Limitation on Campaign Contributions section 909-7(E) "Any candidate with outstanding penalties and late fees for a report or statement of expenditure and contributions shall not be allowed to file petitions or papers with the Office of the Supervisor of Elections.

Federal candidates are not required to file Financial Disclosure Statements with the Office of the Supervisor of Elections. A federal candidate should, however, contact the Federal Election Commission to determine the federal requirements for filing a financial disclosure and establishing a campaign finance entity prior to the occurrence of financial activity.

(1) *Nomination petitions and papers*

When a nomination petition or paper is obtained from the Office of the Supervisor, the candidate or his representative shall sign the log indicating for whom the petition/paper is being obtained, the office for which the petition/paper is being obtained, date and time the petition/paper was obtained and name of the individual accepting the petition/paper.

(2) *Petition/Paper Signature page*

A person may sign but one petition/paper for each office to be filled, except that, where there are to be elected two or more persons to the same office, each signer may sign petitions /papers for as many candidates for such office

Petition/Paper Signature Page, cont'd

All signatures on a signature petition/paper must be a registered voter. Use the signature name as it appears in the voting records, no nicknames.

Signer's residence address as it appears on the voter registration card (including street, house or apartment number and town). A business address and post office box address is insufficient, (if it does not appear on the voter registration card). Homeless people can be registered voters even without residence addresses, but town addresses.

(3) Circulator's Affidavit

Each petition/paper must include an affidavit, completed by a circulator who is an individual (not a business or organization), stating that:

- i. They are a qualified elector and registered voter of the district;
- ii. That the signers on this petition/paper signed with full knowledge of the content of same, in his presence;
- iii. That each signed on the date opposite his name;
- iv. That to best of his knowledge and belief the signers are qualified electors in the territory of the Virgin Islands, Election District and

The circulator must sign and date the affidavit, but should wait until after all petition/papers signers have signed and dated the page. Any signature on the page that is dated after the circulator's affidavit is invalid.

(4) Filing the Petition

Upon receipt of a nomination petition/paper, the Election Assistant shall immediately stamp the date and time the petition/paper was received. The Election Assistant shall give the nomination petition/paper an initial review to make sure that it is fully completed and that all pages are accounted for.

(a) After the initial review, the Election Assistant shall issue the candidate or his representative a receipt of the filing. The nomination petition/paper shall be given to the Deputy Supervisor of Elections who will assign the Election Assistants to examine the signatures on petition/paper against the registration card and verify that the necessary number of signatures are on the nomination petition/paper. The Deputy Supervisor shall prepare a checklist after the Election Assistant has validated the signatures and in completing the checklist, which details the qualification factors of the Nomination Petition and Candidate's qualifications, shall then provide the completed checklist for each candidate to the Supervisor of Elections.

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(b) The Joint Boards of Elections authorizes the use of random sampling procedures, the Office of the Supervisor of Election's staff may review each name on every signature page for that district and indicate which names are valid (that is, names of voters duly registered in the district) and which are invalid. The Office of the Supervisor of Elections shall be responsible for examining the completeness of each nomination page to verify that all legal and necessary requirements have been met.

(c) When a nomination petition/paper is found to be a defective special messenger with the reason or reasons shall notify the candidate immediately, therefore. If a revised or new nomination petition/paper is not filed in the Office of the Supervisor within three (3) days, the candidate shall be disqualified for nomination or election.

(5) Governor and Lieutenant Governor

18 V.I.C. § 384

(d) Nomination papers may not be filed under this subchapter by any candidates for the offices of Governor and Lieutenant Governor, unless:

(1) Both candidates are registered and enrolled members of the same political party on the date of filing; or

(2) Neither of the two candidates is a registered and enrolled member of a political party on the date of filing.

Note: The Third Circuit, on August 26, 2014, Soraya Diase Coffelt and John M. Canegata v. Caroline F. Fawkes; Government of the Virgin Islands, invalidating this section of the law, ruling that that candidates for Governor cannot be forced to run under the same party.

- Case reference: 765 F.3d 197 (3d Cir. 2014)
- Link to the case: <http://www2.ca3.uscourts.gov/opinarch/143280p.pdf>

(6) Nomination Prohibitions

A person shall not willfully and knowingly:

- ✓ Give, transfer, promise, or offer anything of value for the purpose of inducing another person to sign or not sign and petition or paper;
- ✓ Request, receive, or agree to receive, anything of value as an inducement to sign or not sign any petition or paper;
- ✓ Misrepresent any fact for the purpose of inducing another person to sign or not to sign any petition or paper;

Rules & Regulations (Nomination Petition & Papers)

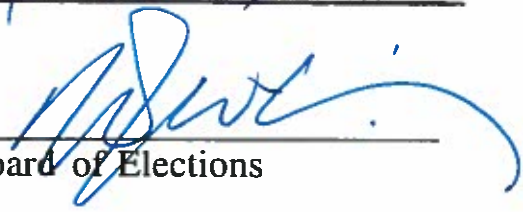
- ✓ Sign the name of any other person to a petition or paper (except when assisting someone with a disability);
- ✓ Falsify and signature or purported signature to a petition or paper;
- ✓ Obtain, or attempt to obtain, any signature to a petition or paper by fraud, duress, or force;
- ✓ Circulate, cause to be circulated, or file with an election authority a petition that contains any false, forged or fictitious signatures;
- ✓ Sign a petition that the person is not legally qualified to sign;
- ✓ Sign a petition more than once when not entitled to do so;
- ✓ Alter any petition after it is filed with the election authority.

III. Deadline and Place for Filing Nomination Petition or Paper

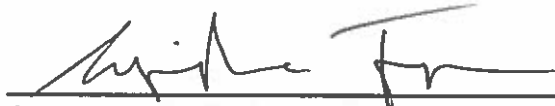
The following must be filed by the candidate or his designated representative with the Office of the Supervisor of Elections on or before 6:00 p.m. on the second Tuesday of May of each election year and before 6:00 p.m. seven (7) calendar days thereafter.

- Nomination Petition/Paper
- Additional Affidavit of Circulator
- Affidavit of Circulator
- Affidavit of Candidate

Date: March 20, 2020



Chairman, Board of Elections



Secretary, Board of Elections

APPENDIX A: Candidate Nickname

Any Candidate desiring to utilize their Nickname on the Ballot, must submit a **Letter** along with their Nomination Petition or Paper to the Supervisor of Elections.

Letter Format:

APPENDIX B: Casting of Lots Procedure

I. Purpose

To provide uniformed and clear guiding principles to conduct the Casting of Lots, as set forth by 18 VIC 351.

II. Background (Law)

18 V.I.C. § 351. Casting of lots for position of names upon official primary ballots; notice to candidates

The fourth Friday in May of the election year, the Supervisor of Elections shall fix a day for the **casting of lots**, in such a manner as may be prescribed by the Supervisor, for the position of names on the official primary ballots. The Supervisor of Elections shall give at least two days' notice of such date, to all candidates whose petitions have been received and filed in his office, by mail to each of them and by publication in the local newspapers circulating in the Virgin Islands or district, as the case may be. All candidates may appear in person, or by an agent duly authorized by the letter of attorney, signed and acknowledged by an officer empowered to take acknowledgments. If any candidate is not present in person or by a representative at the time of the **casting of lots**, the Supervisor of Elections shall appoint a person to represent such absentee. After the lots are cast, the Supervisor of Elections shall establish accordingly the order in which the names of such candidates are to appear upon the official primary ballots.

352. Furnishing election boards with a list of candidates; notice to candidates

The Supervisor of Elections, as soon after the **casting of lots** as possible, shall forward to the board of elections a correct list of candidates for each party for the various offices, in the order in which their names will appear on the official ballots, with their respective residences, giving town, if any, and post-office addresses as shown in their affidavits; and shall at the same time, notify each such candidate by mail that his name has been so certified.

NOTE: Casting of Lots date is noted on the Official Elections Calendar

Rules & Regulations (Nomination Petition & Papers)

Casting of Lots (Appendix B, cont'd)

III. Procedures

Each candidate is given the opportunity to draw a number to determine his or her position on the primary and general elections ballot. If a candidate will not be present at the casting of the lots, the candidate may authorize a proxy to draw the candidate's lot on his or her behalf. If a candidate is absent and no (proxy) was authorized, their number shall be drawn by the Office of the Supervisor.

Candidates that are uncontested (automatically assigned #1)

The order in which candidates cast is determined by the order in which his or her Nomination Petition and Nomination Papers were submitted.

Separate numbers are prepared for each contest. The amount of numbers prepared is determined by total candidates in each contest. Numbers are cast in the following order:

- Governor/Lt. Governor - Territorial
- Delegate to the House of Representatives - Territorial
- Senator at Large, Legislature of the Virgin Islands - Territorial
- Senator, Legislature of the Virgin Islands - {Both Districts}
- Board of Education at Large - Territorial
- Board of Education – {Both Districts}
- Board of Elections –St. John District (Both Districts – St. Croix)
- Board of Elections- St. Thomas District

The numbers prepared for casting are done in bold black color (electronically), on paper of white background. An envelope (official election envelope) is marked for each contest by name. Numbers are prepared by the Deputy Supervisor and are then placed in separate envelopes by the contest and secured.

For each contest, before numbers are drawn, the envelope is emptied of its contents, (numbers) counted and verified in the presence of the public.

Rules & Regulations (Nomination Petition & Papers)

Casting of Lots (Appendix B, cont'd)

The numbers are then placed in a designated ballot box.

NOTE: The Gubernatorial/Delegate is drawn via teleconference.

As each number is cast by the Candidate or Proxy, the number is called; the candidate name is written on the back of the number to mitigate errors and then recorded by Staff on the official Casting of Lots form. As each contest is concluded, the numbers are placed back into the corresponding envelope.

The Casting of the Lots Report is prepared simultaneously in both districts, reviewed and approved by the Supervisor. The approved Districts Reports are submitted to the media by the end of the evening or the following day.

If the event of any issues or challenges with the Casting of the Lots by a candidate, the Supervisor is notified and will make an immediate decision as to whether or not there will be a re-cast. The re-casting can take place that same evening or the following day, no later than 1 p.m.

Procedures are subject to amendment (s).

Approved By:


Supervisor of Elections

Caroline F. Fawkes, CERA

Date: 3/18/2020