

# **ELECTION SYSTEM OF THE VIRGIN ISLANDS**

## **NOMINATION AT PRIMARIES ELECTIONS**



## **OFFICE OF THE SUPERVISOR OF ELECTIONS**

## **§ 342. Candidates to be nominated and party officers to be elected at primaries**

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Except as provided in sections 307 and 359 and as otherwise provided by law, all candidates of political parties, as defined in section 301 of this title, for public offices shall be nominated, and candidates for party offices which, under this title, are required to be elected by the party electors, shall be elected, at primary elections held in accordance with the provisions of this title and in no other manner.

## **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended June 26, 1968, No. 2252, § 6, Sess. L. 1968, Pt. II, p. 70.

### **§ 342a. Prohibition against persons registered to a political party running as a no-party or independent candidate**

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Any person running for public office must run as a candidate consistent with the political party designation under which the candidate is registered at the time of the filing of the nomination petition, whether the political party designation indicates an affiliation with a political party as defined in section 301 or otherwise.

## **History**

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—Added Mar. 5, 2005, No. 6730, § 64, Sess. L. 2005, p. 138.

### **§ 343. Ascertainment of offices for which candidates are to be nominated**

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The Supervisor of Elections prior to each primary shall ascertain the public offices to be filled at the ensuing general election, and for which candidates are to be nominated at such primary, and otherwise, in accordance with the provisions of this title.

### **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended Apr. 2, 1964, No. 1163, § 14, Sess. L. 1964, p. 167; Sept. 1, 1966, No. 1815, § 1, Sess. L. 1966, p. 491.

## § 344. Nomination petitions

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(a) The name of no person may be placed on the official primary ballot of a political party as a candidate for public or party office unless a petition in accordance with the provisions of this section has been filed in his behalf and unless he is a duly registered voter and enrolled as a member of such party.

(b) The nominations of candidates at the primary election for public offices to be filled at the ensuing general election and for party offices to be filled at the primary election shall be made by nomination petitions for each candidate who files under this subchapter. The forms of the respective nomination petitions provided for by this section shall be prescribed by the Supervisor of Elections and each petition shall be signed by registered and enrolled members of the proper party in accordance with the provisions of sections 345 through 348, inclusive, of this subchapter.

(c) [Repealed.]

## History

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(20); Apr. 2, 1964, No. 1163, § 15, Sess. L. 1964, p. 167; Aug. 13, 1966, No. 1805, § 16, Sess. L. 1966, p. 448; Sept. 1, 1966, No. 1815, § 12(a), Sess. L. 1966, p. 502; May 29, 1968, No. 2214, § 3, Sess. L. 1968, Pt. II, p. 20; June 26, 1968, No. 2252, § 5, Sess. L. 1968, Pt. II, p. 70; Feb. 12, 1969, No. 2419, § 2, Sess. L. 1969, p. 64; Nov. 15, 1971, No. 3127, § 9, Sess. L. 1971, p. 364; May 24, 1979, No. 4302, § 1, Sess. L. 1979, p. 54; Oct. 21, 1988, No. 5367, § 4(4), Sess. L. 1988, p. 254.

## **§ 345. Manner of signing nomination petitions; time of circulating**

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**(a)** Each signer of a nomination petition as provided for in section 344(b) of this subchapter shall sign but one such petition 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 for as many candidates for such office as, and no more than, he could vote for at the succeeding election.

**(b)** Each signer of a nomination petition as provided for in section 344(b) of this subchapter shall declare in the petition that he is:

1. a registered and enrolled member of the party designated in such petition; and
2. a qualified elector of the territory of the Virgin Islands, and, in case the nomination is not to be made, or the candidates are not to be elected, by the electors of the territory at large, of the election district named in the petition.

**(c)** Each signer of a nomination petition as provided for in section 344(b) of this subchapter shall add his occupation and residence, giving street and number and town if any, and the date of signing, expressed in words or numbers.

**(d)** No nomination petition as provided for in section 344(b) of this subchapter shall be circulated prior to 30 days before the last day on which such petition may be filed, and no signature shall be counted unless it bears date within 30 days of the last day of filing the petition.

## **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(21); June 26, 1968, Pt. II, No. 2252, § 5, Sess. L. 1968, p. 70.

## § 346. Composition of petition; affidavit of circulator

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A nomination petition as provided for in section 344(b) of this subchapter may be on one or more sheets, and different sheets shall be used for signers resident in different election districts. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. Each sheet shall have appended thereto the affidavit of a person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth:

- (1) That the affiant is a qualified elector of the territory of the Virgin Islands, or of the election district, as the case may be, referred to in the petition;
- (2) his residence, giving town with street and number if any;
- (3) that the signers thereto signed with full knowledge of the contents of the petition;
- (4) that their respective residences are correctly stated therein;
- (5) that they all reside in the election district named in the affidavit;
- (6) that each signed on the date set opposite his name; and
- (7) that, to the best of affiant's knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the territory of the Virgin Islands, or of the election district, as the case may be.

## History

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(21); June 26, 1968, Pt. II, No. 2252, § 5, Sess. L. 1968, p. 70.

## § 347. Number of signers required

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Nomination petitions under section 344(b) of this subchapter of candidates at primaries shall be signed:

- (1) if for a public office to be filled by a vote of the electors of the territory of the Virgin Islands at large, or for a party office to be filled by election at large, by at least 25 registered and enrolled members of the proper party in each of at least two election districts; or
- (2) if for a public or party office to be filled by election in an election district or island by at least twenty-five (25) registered and enrolled members of the proper party; or
- (3) if for any other party office, by at least 10 registered and enrolled members of the proper party; or
- (4) [Repealed.]

## History

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(22), (23); Aug. 13, 1966, No. 1805, § 18, Sess. L. 1966, p. 450; June 26, 1968, No. 2252, § 5, Sess. L. 1968, Pt. II, p. 70; No. 2253, § 2(i), Sess. L. 1968, Pt. II, p. 75; Nov. 15, 1971, No. 3127, § 8, Sess. L. 1971, p. 364.

## § 348. Affidavits of candidates

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Each candidate for any public or party office shall file with his nomination petition his affidavit, stating:

- (1) his residence, with street and number if any, and his post office address;
- (2) his election district;
- (3) the name of the office for which he consents to be a candidate;
- (4) that he is eligible for such office;
- (5) that he will not knowingly violate any provision of this title; and
- (6) if he is a candidate for election as a member of the territorial committee or other party officer, that he is a registered and enrolled member of the designated party.

## History

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(22); June 26, 1968, Pt. II, No. 2252, § 5, Sess. L. 1968, p. 70.

## § 350. Withdrawal of candidates

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Any of the candidates for nomination or election at a primary may withdraw his name as a candidate by a request in writing, signed by him and acknowledged before an officer empowered to administer oaths, and filed in the office in which his nomination petition was filed. The withdrawal, to be effective, must be received in the office of the Supervisor of Elections or his deputy not later than the ordinary closing hour of such office on the fourth Wednesday in May in the election year. No candidate may withdraw any withdrawal notice already received and filed, and thereby reinstate his nomination petition.

## History

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—Added Feb. 20, 1963, No. 936, § 1; amended Feb. 12, 1969, No. 2419, § 4, Sess. L. 1969, p. 66; Nov. 15, 1971, No. 3127, § 10, Sess. L. 1971, p. 365; Aug. 22, 1980, No. 4468, § 1, Sess. L. 1980, p. 138; May 31, 2012, No. 7366, § 2(a), Sess. L. 2012, p. 102; amended Nov. 7, 2013, No. 7565, § 2(a), Sess. L. 2013, p. 205.

## **§ 351. Casting of lots for position of names upon official primary ballots; notice to candidates**

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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 agent duly authorized by letter of attorney, signed and acknowledged by an officer empowered to take acknowledgments. If any candidate is not present in person or by 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.

## **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(24); Feb. 12, 1969, No. 2419, § 5, Sess. L. 1969, p. 66; Nov. 15, 1971, No. 3127, § 11, Sess. L. 1971, p. 365; Aug. 22, 1980, No. 4468, § 2, Sess. L. 1980, p. 138; May 31, 2012, No. 7366, § 2(b), Sess. L. 2012, p. 102; amended Nov. 7, 2013, No. 7565, § 2(b), Sess. L. 2013, p. 205.

## **§ 352. Furnishing election boards with list of candidates; notice to candidates**

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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.

## **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended June 26, 1968, No. 2252, § 5, Sess. L. 1968, Pt. II, p. 70; Feb. 12, 1969, No. 2419, § 6, Sess. L. 1969, p. 66.

Virgin Islands Code Annotated

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### **§ 353. Death of person named in nomination petition**

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Where a nomination petition has been duly filed under this subchapter, and thereafter, but prior to the printing of the official ballots, the candidate named in the petition dies, the original signers of the petition or a majority of them may sign another petition proposing a new candidate for such office at any time prior to the printing of the ballots. Such petition shall have the same force and effect as the original petition, and the name of the candidate so nominated shall be substituted for that of the deceased candidate.

### **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(25); Feb. 12, 1969, No. 2419, § 7, Sess. L. 1969, p. 66; Nov. 15, 1971, No. 3127, §§ 5, 12, Sess. L. 1971, p. 362, 365.

## **§ 354. Electronic voting machines, and all auxiliary equipment and other supplies for primaries**

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Electronic voting machines, and all auxiliary equipment, and other supplies for primaries shall be prepared, provided and delivered to district election officers, in accordance with the provisions of this title, insofar as they are applicable to primaries.

## **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended May 3, 1984, No. 4934, § 8(a), Sess. L. 1984, p. 117.

## **§ 355. Conduct of primaries; voting for candidates at large; symbol voting for entire slate**

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**(a)** Primaries shall be conducted by the district election officers and clerks, of each election district, and the votes cast thereat counted and returned in the manner provided by chapter 23 of this title, insofar as it is applicable to primaries.

**(b)** The names of all candidates for public office or party office in a primary election shall, in all cases, be arranged under the title of the office for which they are candidates, and each registered and enrolled elector shall be entitled to vote only for the number of candidates for each office as there are positions to be filled for such office.

**(c)** , **(d)** [Repealed.]

## **History**

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(26); Apr. 2, 1964, No. 1163, § 16, Sess. L. 1964, p. 168; Apr. 21, 1965, No. 1437, § 8, Sess. L. 1965, Pt. I, p. 200; Aug. 13, 1966, No. 1805, § 19, Sess. L. 1966, p. 450; Sept. 1, 1966, No. 1815, § 4, Sess. L. 1966, p. 491; June 26, 1968, No. 2252, § 5, Sess. L. 1968, Pt. II, p. 70; Feb. 12, 1969, No. 2419, § 8, Sess. L. 1969, p. 67; Nov. 15, 1971, No. 3127, § 8, Sess. L. 1971, p. 364.

## **§ 356. Primary election returns**

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The returns made by the district election officers of the votes cast at primaries shall be received by the respective boards of elections, and tabulated and computed by them, and their returns to the Supervisor of Elections tabulated and computed by him in the manner provided by chapter 23 of this title, insofar as it is applicable to primaries.

## **History**

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—Added Feb. 20, 1963, No. 936, § 1.

**§ 357. Which candidates nominated; district candidates; at large candidates; designation of straight party vote candidates; designation certificates**

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(a) The nominees of the various political parties for candidate for public office from the various election districts who receive the largest number of votes of their party electors in their districts, in the primary election, shall be declared the candidates for their respective parties, up to the number to be elected from the districts at the ensuing general election; and the Supervisor of Elections shall cause their names to be entered upon the official format for the list of candidates on the electronic voting machine to be used at such ensuing general election in accordance with the provisions of this title.

(b) The nominees of the various political parties for candidate for territorial office who receive the largest number of votes of their party electors in the territory, in the primary election, shall be declared the candidates for their respective parties, up to the number to be elected at large at the ensuing general election; and the Supervisor of Elections shall cause their names to be entered upon the official format for the list of candidates on the electronic voting machine to be used at such ensuing general election in accordance with the provisions of this title.

## History

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—Added Feb. 20, 1963, No. 936, § 1; amended Mar. 26, 1963, No. 994, § 1(27); Apr. 2, 1964, No. 1163, § 17, Sess. L. 1964, p. 168; Aug. 13, 1966, No. 1805, § 20, Sess. L. 1966, p. 451; Sept. 1, 1966, No. 1815, § 5, Sess. L. 1966, p. 492; June 26, 1968, No. 2252, § 5, Sess. L. 1968, Pt. II, p. 70; June 26, 1968 No. 2253, § 2(j), Sess. L. 1968, Pt. II, p. 76; May 3, 1984, No. 4934, § 8(b), (c), Sess. L. 1984, p. 117.

## § 358. Nominee in case of tie vote

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In the case of a tie, the candidates receiving the tie vote shall cast lots before the Supervisor of Elections or his deputy, as the case may be, in the manner prescribed by the Supervisor of Elections at 12 o'clock noon on the third Friday following the primary, and the one to whom the lot shall fall shall be entitled to the nomination. In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday following the primary, the time for casting lots shall be at 12 o'clock noon on the second day after the fact of such tie vote authoritatively determined. If any candidate, receiving a tie vote, fails to appear before 12 o'clock noon on such day, the Supervisor of Elections or his deputy, as the case may be, shall cast lots for him. For the purpose of casting lots, any candidate may appear in person, or by proxy appointed by him in writing.

## History

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—Added Feb. 20, 1963, No. 936, § 1.

### **§ 359. Conditions under which no primary is to be conducted**

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No party primary shall be conducted with regard to any public office unless the number of candidates of a particular political party who filed nomination petitions for nomination by such party for election to such public office is greater than the number of persons which such party may nominate therefor.