

TESTIMONY

***BEFORE THE LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY, JUSTICE AND
PUBLIC SAFETY
May 14, 2024***



**CAROLINE F. FAWKES
SUPERVISOR OF ELECTIONS
ELECTION SYSTEM OF THE VIRGIN ISLANDS**

1 **INTRODUCTION**

2 Good afternoon, Honorable Kenneth Gittens, Chairman on Homeland
3 Security, Justice and Public Safety distinguished members of the
4 35th Legislature, members of the press, the viewing and listening
5 audience. I am Caroline Fawkes, Supervisor of Elections, of the
6 Election System of the Virgin Islands. It is an honor to appear before
7 you today, to provide Testimony on Bill 35-0248 - A Resolution
8 petitioning United States Congress to amend the Revised Organic Act
9 of the Virgin Islands to authorize the people of the Virgin Islands to
10 elect the Attorney General of the Virgin Islands.

11 The Office of the Supervisor can only provide historical data and the
12 impact on any of the Election laws if this proposal becomes law.

13 Twenty-Six Years and eight days ago, the 22nd Legislature of the
14 Virgin Islands adopted Bill Number 22-0231 which established an
15 opinion poll on whether legislation should be proposed to the
16 Congress of the United States to change the Revised Organic Act to
17 provide for the election of the Attorney General. The bill sponsors
18 were Senators Miguel A. Camacho, Roosevelt St. C. David, Allie-
19 Allison Petrus, and Holland L. Redfield. The opinion poll appeared on
20 the 1998 General Election ballot held on Tuesday, November 3, 1998.

21 The 1998 General Election was a Gubernatorial Election when a
22 larger percentage of voters cast their ballot compared to a non-
23 gubernatorial election year. The certification of said election can be
24 found on <https://vivote.gov/election/1998-general-election/>. Votes
25 cast for was the following:

26	STX	Yes	6,999	No	2,124
27	STT/STJ	Yes	6,999	No	2,854

28 In the St. Croix District, seventy-seven percentage of voters who cast
29 their votes for the opinion in favor of authorizing the Legislature of
30 the Virgin Islands to petition the United States Congress to amend
31 the Revised Organic Act of the Virgin Islands to elect the Attorney
32 General of the Virgin Islands. In the St. Thomas-St. John District,
33 seventy-one percentage of voters who cast their votes for the opinion
34 in favor of authorizing the Legislature of the Virgin Islands to petition
35 the United States Congress to amend the Revised Organic Act of the
36 Virgin Islands to elect the Attorney General of the Virgin Islands.

37 The most prevalent method of selecting a state's attorney general is
38 by popular election. Forty-three (43) states have an elected attorney
39 general. This equates to eighty-six percent (86%). Elected attorneys

40 general serve a four-year term, except in Vermont, where the term is
41 two years.

42 Seven (7) states do not popularly elect an attorney general. In Alaska,
43 Hawaii, New Hampshire, New Jersey, and Wyoming, the attorney
44 general is appointed by the governor. The attorney general in
45 Tennessee is appointed by the Tennessee Supreme Court for an
46 eight-year term. In Maine, the attorney general is elected by the state
47 Legislature for a two-year term.

48 The District of Columbia and two (2) U.S. territories, Guam and the
49 Northern Mariana Islands, elect their attorneys general for a four-
50 year term. This equates to fifty percent. 2014 marked the first year
51 that the District of Columbia and the Northern Mariana Islands held
52 an election for the office. In American Samoa, Puerto Rico, and the
53 U.S. Virgin Islands, three (3) Territories and Commonwealth, the
54 attorney general is appointed by the governor. In Puerto Rico, the
55 attorney general is officially called the secretary of justice but is
56 commonly known as the Puerto Rico attorney general.

57 The Legislature of the Virgin Islands must expound on the
58 qualifications for office such as being a qualified voter and who have
59 not been convicted of a felony or of a crime involving moral turpitude

60 and has not received a pardon restoring his civil rights. If granted,
61 the election for Attorney General shall begin in a non-gubernatorial
62 election year. The Office of the Supervisor of Elections reviewed to
63 see what sections of Title 18 will have to be amended. An example,
64 Title 18 Chapter 1, Section 7 must be amended to add the Attorney
65 General. I would go as far as state any public office created by the
66 Legislature of the Virgin Islands must be encoded in Title 18, §7
67 which addresses Prohibition of dual candidacies. In any general,
68 primary, or special election, no person's name may appear on a ballot
69 as candidate for more than one (1) of the following offices: (1)
70 Governor; (2) Lieutenant Governor; (3) Delegate to Congress; (4)
71 Senator; (5) Board of Education; and (6) Board of Elections. We will
72 review Title 18, in its entirety to ensure the law is consistent
73 throughout.

74 Today, May 14, 2024, beginning at 12:00 PM, nomination petition
75 and papers can be filed in each election's office until Tuesday, May
76 21, 2024, before 6:00 PM.

77 Honorable Kenneth Gittens, Chairman on Homeland Security,
78 Justice and Public Safety. Thanks for inviting me to present
79 Testimony on Bill 35-0248, A Resolution petitioning United States

80 Congress to amend the Revised Organic Act of the Virgin Islands to
81 authorize the people of the Virgin Islands to elect the Attorney
82 General of the Virgin Islands.

83 I am prepared to respond to any questions you may have.

84 Your Voice Your Vote, and Your Vote is Your Voice!