

1 **Introduction**

2 Good afternoon, Honorable Chairman Avery L. Lewis,
3 distinguished members of the Committee, colleagues, members of
4 the press, and the public. My name is Caroline F. Fawkes,
5 Supervisor of Elections for the Virgin Islands. A Certified Elections
6 Registration Administrator (CERA).

7 I appreciate the opportunity to once again appear before you to
8 provide testimony on Bill No. 36-0187, which seeks to mandate the
9 hand-counting of some ballots.

10 **Summary of the Bill:**

11 Bill No. 36-0187 would amend Title 18, Virgin Islands Code,
12 Chapter 23, Section 622, to require that votes deposited in a
13 ballot box be counted by hand. The bill also imposes new
14 visibility, location, and timing requirements for ballot counting.

15 The proposal eliminates electronic tabulation without explanation
16 and fails to establish basic standards required to administer
17 elections responsibly.

18 While the goal of safeguarding election integrity is shared by
19 ESVI, this bill—as written—would undermine accuracy,
20 consistency, security, and public confidence in our elections.

21 ESVI opposition is based solely on its inevitable consequences.

22 **Core Concerns**

23 First, the bill mandates hand counting while eliminating
24 electronic tabulation without identifying any flaw in the current
25 system. It provides no standards for determining voter intent,
26 resolving ambiguous marks, or reconciling discrepancies.

27 Without uniform rules, hand counting virtually guarantees
28 inconsistent results and increased human error, especially in
29 complex elections.

30 Second, the bill prohibits marking or tally tools—removing the
31 very safeguards that ensure accuracy and auditability.

32 The result is a recipe for confusion, confrontation, and security
33 risks, leaving election officers without clear authority to maintain
34 order.

35 Third, the bill prohibits ballots from being removed from the
36 “immediate vicinity of the polls.” That phrase is undefined and
37 unenforceable. It ignores space limitations, crowd control, and
38 secure handling, and it invites inconsistent application across
39 precincts—undermining chain-of-custody and increasing legal
40 vulnerability.

41 Fourth, the bill forbids counting before 8:00 p.m., even though
42 polls close at 7:00 p.m. This mandatory one-hour delay is
43 unexplained and unjustified. It solves no identified problem and
44 would only delay results and erode public confidence.

45 **Structural and Legal Defects**

46 The bill amends a single section of law without any conforming
47 changes, implementation standards, or administrative guidance.

48 Under current law, ballots are tabulated using the DS200
49 system, which produces voter-verifiable paper records and
50 supports secure audits—delivering accuracy, transparency, and
51 efficiency.

52 **Ballot Tabulation of the DS200**

53 The ES&S DS200 is a ballot scanning device. It is used in
54 jurisdictions in which voters hand mark paper ballots and/or use
55 ballot marking devices then hand-feed their paper ballots into a
56 scanner. Ballots can be inserted into the DS200 in multiple
57 orientations: face up, face down, header first, or footer first. The
58 device simultaneously scans the front and back of a paper ballot,
59 interprets voter marks, and communicates any issues that
60 require the voter's attention back to the voter through an LCD

61 display. If the voter has marked too many choices in a race, the
62 display alerts the voter and offers the option to return the ballot
63 for correction.

64 The DS200 scanner can also scan and tabulate the summary/
65 activation cards (or “ballot cards”) printed by ES&S ExpressVote
66 ballot marking devices (BMDs). ExpressVote-produced ballots
67 print a paper “summary/activation card” of the voter’s choices
68 with a barcode that encodes the voter choices. When the paper
69 record is hand-fed into the DS200 scanner, it scans the barcode
70 to interpret voter choices and record votes.

71 Because the DS200 device is a scanning device only and does not
72 have features that support marking choices on ballots, features
73 that may be helpful to voters with disabilities are limited; the
74 DS200 is not marketed as an “accessible voting device.” It does
75 not have an audio-tactile controller, and its audio features are
76 limited to only making different sounds as ballots are scanned or
77 returned to the voter when marks require additional attention.

78 **Expressvote Voting Machine – An Electronic Marking Device**

79 ExpressVote is a Universal Voting System that combines paper-
80 based voting with touch screen technology to create a

81 breakthrough in voting solutions for early voting centers and on
82 Election Day in precincts or in voting centers.

83 Election officials no longer must guess the number of ballots to
84 print. Instead, the Vote Session Activator is printed with a
85 barcode that determines the ballot style to display on the touch
86 screen. As a universal voting system, ExpressVote allows all
87 voters, including those with special needs, to cast their ballots
88 privately and autonomously.

89 ExpressVote can serve every eligible voter, including those with
90 special needs. As a fully compliant ADA (Americans with
91 Disabilities Act) voting solution, ExpressVote enables each voter
92 to cast his or her ballot independently.

93 **Key Features:**

94 **Innovative Design**

95 Complete independence by the voter as he or she casts their own
96 ballot

97 Selection changes will not spoil their voting session

98 Sip-and-puff capability for voters with disabilities

99 Official ballot provided in both audio and visual formats

100 Disabled and non-disabled voting can take place simultaneously

101 **Voter Confidence**

102 Produces verifiable vote record

103 Supports multiple languages

104 Convenience of a direct-recording electronic machine with the
105 peace of mind of a paper ballot trail

106 The ExpressVote machines are advanced voting systems designed
107 to provide accessible voting solutions. They combine touch-
108 screen technology with paper-based voting, allowing voters to
109 mark their choices on a touchscreen while ensuring a paper
110 record for tabulation. Key features include:

111 **Accessibility:** Designed for voters with disabilities, including
112 those with visual impairments, using audio instructions and
113 tactile keypads.

114 After the voter inserts their paper ballot (or summary/activation
115 card from the ExpressVote Machine) into the DS200 scanner,
116 they have a chance to review any potential mismarks that require
117 attention. After the voter cast their ballot, the DS200 scanner
118 pulls the ballot through a motorized feed and deposits the ballot
119 into an integrated ballot box. The DS200 device has tabulating

120 capabilities, and when the polls close, the DS200 can print out
121 the race results and other information on a paper tape.

122 When the voter has finished filling out their ballot, they should
123 check it to ensure their selections match their intentions. Next,
124 the voter feeds their ballot into the DS200 machine. After the
125 ballot is scanned and accepted, the voter's ballot cannot be
126 redone. If the scanner is malfunctioning, voters should follow poll
127 worker instructions, which may include inserting the ballots
128 directly into the ballot box underneath the DS200 scanner.

129 As votes are entered, the DS200 stores the vote tallies on its
130 internal memory card.

131 When the polls close, the DS200's internal printer prints out the
132 precinct's vote report on paper.

133 The DS200 is coded to detect and notify the voter when it
134 encounters an overvoted race or issue on the ballot. An overvote
135 is when more than the allowed number of selections in a race or
136 issue has been marked. An audio alert will sound, and the
137 display will indicate that an over-voted race or issue was detected
138 and offer the voter two choices: "Accept" or "Return."

139 If the voter selects Accept, the ballot will be counted, all properly
140 marked races and issues will receive the appropriate votes, and
141 the over-voted races and issues will receive an over-vote. The
142 individual candidates or issue choices in an over-voted race will
143 not receive any votes.

144 If the voter selects Return, the ballot will be returned uncounted,
145 and the voter may contact the election official and have the ballot
146 spoiled and receive a new one.

147 Overvoting should not be confused with undervoting. A voter
148 undervotes when they cast fewer votes for a particular office than
149 they are permitted to cast. No ballot or vote will be canceled
150 because of an undervote.

151 Now, let me take some time to explain tallying and the individual
152 contests on the US Virgin Islands Ballots: First we have two
153 separate ballots – which represents each district.

154 Tallying is a multi-step process ensuring accuracy, transparency,
155 and accountability.

156 A single ballot contains multiple independent contests

157 Each contest is tallied as if it were its own standalone election

158 Referenda are counted separately as Yes/No outcomes

159 Final results combine all contest-level tallies into certified totals.

160 Reconciliation ensures every ballot is accounted for.

161 Auditability is essential to election integrity.

162 Please see attached Appendix A – showing the process for hand

163 counting ballots. Media, please share the PowerPoint

164 presentation of three (3) slides.

165 Slide 1 – Electronic Ballot Tabulation Process - Seven (7) steps

166 Slide 2 - Hand Counting Ballot Process -Eleven (11) steps

167 Slide 3 - The 2026 Ballot Contests: 1- Governor/Lieutenant

168 Governor, 2 – Delegate to Congress, 3- Senator At Large,

169 4 – District Senators, 5 – Board of Education, 6- Board of

170 Education At Large, 7 – Board of Elections, 8 – Board of Election-

171 STJ, 9 – Referendum or Initiative equals nine (9) Contests.

172 I have also attached a Guide Cause of America - Precinct Hand

173 Count Procedures v1 by Col Shawn Smith for your review

174 explaining each step of the hand counting tallying process in

175 more detail than I can do in this Testimony.

176 During a recent managers’ meeting, I shared one of the best

177 practices I observed in Duval County in 2016. Building on that

178 discussion, I would like to formally present this proposal to the
179 Board of Elections for their consideration aimed at increasing
180 transparency in our election processes. As the policymaking
181 body, their review and approval are essential before any public
182 dissemination of this initiative.

183 Transparency is a cornerstone of public trust in the electoral
184 process. Enhancing transparency not only strengthens
185 confidence among voters and stakeholders but also reinforces the
186 integrity and accountability of our operations. By clearly
187 communicating procedures, ensuring visibility into key steps
188 such as testing of the voting equipment prior to each election,
189 vote tabulation, election night observation, 30 days after each
190 election an audit by the Board of Elections Members, and
191 aligning with proven best practices, we have provided greater
192 assurance that all processes are conducted fairly, accurately, and
193 consistently.

194 We are also committed to continuous improvement in
195 transparency. This means regularly evaluating our processes,
196 incorporating feedback from stakeholders, and adapting to
197 evolving best practices and technologies. By taking a proactive
198 approach to refinement and openness, we can ensure that our

199 transparency efforts remain effective, responsive, and aligned
200 with the highest standards of election administration.

201 “Transparency is a continuous commitment, not a one-time
202 action.” “Transparency is not just about visibility—it is about
203 clarity, consistency, and confidence in the process.”

204 For context, vote tabulation has been conducted at the Voting
205 Center since the introduction of this equipment in 2014. To
206 support my testimony, I have also attached three DS200
207 Tabulation Machine brochures, which provide step-by-step
208 details on both opening and closing procedures.

209 **Conclusion**

210 Electronic tabulation combined with paper ballots and audits is
211 the professional, legal, and proven standard.

212 Mandating hand counting of any number of ballots would:

213 Reintroduce human error

214 Increase delays and costs

215 Create security and legal risks

216 Undermine public trust

217 For these reasons, the Office of the Supervisor of Elections firmly
218 opposes Bill No. 36-0187. The proposed measure threatens to
219 undermine the integrity, stability, and proven reliability of the
220 election systems currently in place. We remain committed to
221 preserving lawful, secure, and transparent electoral processes
222 that safeguard public trust and uphold democratic principles.

223 For these reasons, the Office of the Supervisor of Elections
224 strongly opposes Bill No. 36-0187. Our current systems have
225 been carefully developed, tested, and proven to ensure elections
226 that are lawful, reliable, and tested, we remain steadfast in our
227 duty to preserve and defend them against measures that could
228 erode trust in our democratic institutions.

229 I would like to take this opportunity to highlight the upcoming
230 2026 Elections Events Calendar.

12-May (Tuesday)	FIRST DAY on which NOMINATION PETITIONS/PAPERS may be filed from 12:00 Noon to 6:00 p.m.	18 VIC 410
19-May (Tuesday)	LAST DAY on which NOMINATION PETITIONS/PAPERS may be filed by 6:00 p.m.	18 VIC 410
24-May (Sunday)	DEADLINE for WITHDRAWAL of NOMINATED CANDIDATES	18 VIC 413
24-May (Sunday)	DEADLINE for candidates for the same office with similar last surnames to request in writing that the occupation or residence be printed opposite his/her name on the ballot.	18 VIC 511
29-May (Friday)	DEADLINE for filing substitute nomination certificates and papers. (As per ACT 7565 Amending T18 VIC SEC. 416).	18 VIC 416 (12:00 Noon)
May 2026 (cont'd)		
29-May (Friday)	CASTING OF LOTS for position of names upon the official primary ballot at 5:30 p.m. – In Person.	18 VIC 351
June 2026		
2-June (Tuesday)	FIRST DAY for receipt by the Supervisor of Elections of applications for ABSENTEE BALLOTS FOR THE PRIMARY ELECTION.	Supervisor
2-June (Tuesday)	DEADLINE for receipt in WRITING by the Supervisor of Elections of their shortened form on which candidates whose name contains more than twenty-two (22) letters should be listed in the ballot. Notice of Defects.	18 VIC 501
2-June (Tuesday)	PRIMARY CANDIDATES' CERTIFICATION of NOMINEES by the SUPERVISOR OF ELECTIONS	18 VIC 420
17-June (Wednesday)	All Federal ballots to be mailed out to Military and Overseas personnel.	MOVE ACT OCT 2009
30-June (Tuesday)	CAMPAIGN DISCLOSURE REPORT DUE	18 VIC 905
July 2026		
2-July (Thursday)	LAST DAY for REGISTRATION	18 VIC 94

231

232 Your vote is your voice—and protecting that voice requires

233 accuracy, consistency, and the rule of law. I Thank You.

234 I am prepared to address any questions the honorable members

235 may wish to raise.