

SIXTH CONSTITUTIONAL CONVENTION OF THE VIRGIN ISLANDS

TESTIMONY BEFORE THE COMMITTEE ON GOVERNMENT OPERATIONS, VETERANS AFFAIRS, AND CONSUMER PROTECTION

36th Legislature of the Virgin Islands

Honorable Avery L. Lewis, Chair

October 19, 2026

Presented by:

Stedmann Hodge, Jr.

Acting President

Sixth Constitutional Convention of the Virgin Islands

Thank you for providing the Sixth Constitutional Convention of the Virgin Islands this opportunity to report on our progress, accomplishments, remaining challenges, and the legislative assistance needed to complete our work.

Since organizing, the Convention has established its leadership and Standing Committees and undertaken the responsibility of researching, reviewing, debating, and developing proposed constitutional language.

Our progress can be measured.

From January 2025 through October 2, 2026, the Convention's five Standing Committees recorded 118 meetings: Government Structure, 36; Finance and Public Services, 32; Human Rights, 31; Culture and Heritage, 12; and Education and Public Information, seven. With 16 additional Executive Committee and Ad Hoc Committee on Judicial Review meetings, the total was 134 committee meetings.

These meetings represent more than administrative activity. They reflect the research, deliberations, and constitutional drafting necessary to advance the Convention's work.

A significant milestone was the Human Rights Committee's completion of its assigned review on September 28, 2026. After considering recommendations from Legal Counsel and the Constitutional Advisor, the Committee transmitted its committee-approved language and memorandum to the Executive Committee on October 2. The draft is scheduled for consideration and a vote at the November 7, 2026 plenary session; it has not been adopted by the full Convention.

Other Standing Committees remain at different stages of review. Any public circulation of the Human Rights draft will be subject to the procedures considered at the November 7 plenary session, following review by Convention Legal Counsel.

Finally, the Convention must address certain statutory requirements that cannot be resolved through committee deliberations alone. Following additional review by Convention Legal Counsel, we have requested legislative consideration of amendments concerning public education, federal review, referendum scheduling, certification and reporting of results, constitutional implementation, and continued fiscal authority.

Where the Convention Stands

The Fifth Constitutional Convention's proposed Constitution serves as the Sixth Convention's principal working guide. Our Standing Committees conducted side-by-side reviews, retaining, revising, expanding, or replacing provisions as appropriate. They also considered the Revised Organic Act and relevant federal legal guidance. This approach builds on earlier constitutional efforts while preserving the independent judgment of the Sixth Convention's elected Delegates.

The Convention's Standing Committees developed proposed constitutional language within their assigned areas. That initial language was transmitted for review by the Convention's Legal Counsel and Constitutional Advisor. The Standing Committees were then responsible for reviewing those recommendations and determining how their proposed language should be modified to reflect those comments.

This distinction between professional advice and Delegate responsibility is important.

Legal Counsel and the Constitutional Advisor provide professional guidance, but the elected Delegates remain responsible for making the constitutional policy decisions entrusted to this Convention, on behalf of the people of the Virgin Islands.

Human Rights Committee

The Committee on Human Rights has completed its assigned review.

The Committee worked extensively on the Bill of Rights, Rights of Youth, and Initiative, Referendum and Recall. It reviewed the recommendations of Legal Counsel and the Constitutional Advisor, considered those recommendations section by section, debated them, and voted on the language.

The Committee treated advisory recommendations as guidance, accepting, modifying, or declining them through its formal deliberations.

This demonstrates how elected Delegates exercise judgment in developing the proposed Constitution.

Its committee-approved memorandum and draft were transmitted to the Executive Committee on October 2, 2026, and await full Convention consideration on November 7. A separate records-management and archival-preservation policy remains under development, pending Legal Counsel review and Executive Committee consideration.

To illustrate the drafting process, the Convention intends to present a two- to three-minute demonstration using proposed youth-related language developed by the Human Rights Committee. Using the companion application employed by Delegates, the presentation will show how language from the Fifth Convention's proposed Constitution was reviewed and refined, how related provisions intersect with other Standing Committees' responsibilities, and how advice from Legal Counsel and the Constitutional Advisor informs the process. This is a demonstration of committee-level work, not language adopted by the full Convention. Standing Committee Chairs and members, participating in person or virtually, will also be available to answer legislators' questions.

This is meaningful progress, but the proposed Constitution is not yet complete.

Other Standing Committees remain at different stages. The Government Structure Committee, for example, has identified provisions requiring further review, including constitutional amendment, transition, municipal government, and the judicial, executive, and legislative branches.

We want the Legislature and the public to understand that some portions of the draft are further advanced than others.

The next task is to complete those reviews and integrate the language already developed.

We are working toward completion of a consolidated initial constitutional draft by January 31, 2027, subject to the timely completion of the remaining Standing Committee reviews and the integration of recommendations from Legal Counsel and our Constitutional Advisor. This planning target is intended to allow the Convention additional time for final reconciliation, plenary deliberation, and adoption before the February 28, 2027, statutory deadline established under Act No. 8681, as amended by Act No. 9060.

The Convention's Two-Phase Public Education and Community Engagement Framework

The Convention's public education framework consists of two phases. The first focuses on educating the public about the Convention's role, the purpose of a constitution, and the need for a Virgin Islands Constitution. The second, following the Convention's adoption of a proposed Constitution and its submission to the Governor, focuses on educating the public about the adopted document and its provisions in preparation for the referendum process.

The Education and Public Information Committee (EPIC) has been preparing for this transition as public education and community engagement become increasingly important. Our responsibility is to provide accessible, factual information without advocating for a particular referendum outcome.

To reach residents throughout St. Croix, St. Thomas, St. John, and Water Island, the Convention anticipates using radio and television discussions, town halls, community meetings, libraries, schools, digital platforms, and social media.

Delegates have already discussed their committee work and the Convention's progress on the WSTX 970 AM informational program.

The Convention is also exploring a broader Constitutional Education and Civic Engagement Initiative involving institutions such as the University of the Virgin Islands, DPNR's Division of Libraries, Archives and Museums, and the Virgin Islands Department of Education. Our October 1 discussions with the U.S. Department of the Interior's Office of Insular Affairs also addressed potential federal support, eligible partners, and the importance of maintaining a neutral educational program.

The Convention's website and public-information infrastructure are intended to support these educational activities. Any public circulation of proposed constitutional language will remain subject to the appropriate Convention approvals and applicable procedures.

Our objective is straightforward: before Virgin Islanders vote on a Constitution, they should have sufficient time and information to understand its provisions and implications.

Media Services, Website Development, and Public Information Infrastructure

The Education and Public Information Committee has continued reviewing the website and media services developed by NT Media Productions.

NT Media presented its website and associated media platforms to the Committee and participating Delegates on September 14, 2026. Further discussion on September 22 addressed content, accessibility, public information, and implementation requirements.

At its October 13, 2026 meeting, the Executive Committee voted to move forward with NT Media Productions as the Convention's media services vendor.

The next step is to prepare a contract or amendment specifying services, deliverables, schedules, compensation, ownership of Convention materials, and responsibility for website administration and maintenance.

Legal Counsel will review the proposed terms before further Executive Committee consideration. We anticipate presenting the agreement at the Committee's next meeting, expected within approximately two weeks.

These services are intended to support the two-phase education framework and improve public access to official Convention information.

The Convention retains responsibility for approving content and authorizing publication under procedures to be considered at the November 7, 2026 plenary session, following Legal Counsel's review. The decision to proceed with NT Media does not itself authorize a website launch or release of committee-approved constitutional language.

Transparency, Records and Public Access

Public education also requires public trust.

Official Convention records must be collected and preserved rather than remain dispersed among committees, Delegates, email accounts, and contractors.

The Convention is developing a proposed Records Management, Public Access, Disclosure, and Archival Preservation Policy to govern the receipt, maintenance, preservation, and authorized disclosure of official records.

The Executive Committee discussed the draft on October 13, 2026. It remains subject to Legal Counsel's review before further Committee consideration.

Procedures for disclosure, confidentiality, and preservation remain subject to review and approval.

EPIC's role would remain public education and dissemination, not determining whether records are legally releasable.

We also intend to preserve the Convention's historical record for future generations through appropriate governmental and institutional repositories.

The Convention is providing the Legislature with supporting documentation, including its historical timeline, legislative and statutory history, committee activity information, and the Human Rights Committee's completed committee draft. Each page of that draft is marked "Confidential." It is provided for legislative oversight and to demonstrate the Committee's work, not for general public circulation or as evidence of adoption by the full Convention. The draft and proposed procedures for public circulation, disclosure, records management, and archival preservation are scheduled for Delegate consideration at the November 7 plenary session, following Legal Counsel's review.

Fiscal Accountability

Fiscal accountability is equally important.

According to the fiscal information provided to the Convention, the FY2026 operational account reflected an allotment balance of approximately \$92,664.96 as of August 31, 2026, subject to pending transactions, availability of funds and spending restrictions.

The separate public-education account reflected \$17,000 in expenditures and approximately \$108,000 remaining as of August 31, 2026, likewise subject to the qualifications contained in the fiscal report.

These funds must be managed responsibly as the Convention completes drafting, expands public education, and prepares for the referendum.

Legislative Assistance Required

Some matters require legislative action.

On September 13, 2026, the Convention formally requested that Senate President Milton E. Potter and the 36th Legislature review and correct certain provisions of Act No. 8681, as amended by Act No. 9060. Although Act No. 9060 established a revised timeline for completing the proposed Constitution and holding a standalone referendum, certain provisions of Section 7 still refer to the 2024 general election.

Specifically, the Convention identified the following conforming corrections:

Section 7(a) – Public Education: Replace the outdated reference to the 2024 general election (change 2024 to 2027) and clarify that the Convention’s public education responsibilities relate to the July 3, 2027 standalone constitutional referendum.

Section 7(b) – Referendum Notice and Administration: Clarify that April 1, 2027 marks the commencement of the required public notice period, during which referendum information must be published and broadcast. July 3, 2027 is the scheduled date of the standalone constitutional referendum. Ensure that the remaining notice requirements, ballot provisions, and referendum administration procedures (Elections System of the Virgin Islands) are consistent with the revised statutory schedule.

Section 7(d) – Ballot Counting and Certification: Replace the outdated reference to the 2024 general election (change 2024 to 2027) and ensure that the ballot counting, certification, and related post-referendum procedures apply to the July 3, 2027 standalone constitutional referendum.

These corrections would align the legislation with the revised statutory schedule without changing the underlying purpose of Act No. 9060. The September 13 correspondence also requested clarification of appropriated funds and spending authority beyond September 30, 2026.

Following additional review by Convention Legal Counsel, we submitted supplemental recommendations concerning public education, the relationship between the federal review process and the territorial referendum timeline, certification and reporting of referendum results, the effective date of an approved Constitution, and continued fiscal authority.

The Convention has also requested a \$300,000 FY2027 appropriation to support completion of the proposed Constitution, continued Convention operations, public education and outreach, referendum-related responsibilities, and final closeout activities.

We respectfully request the Legislature's assistance in resolving these statutory and fiscal matters promptly.

The Road Ahead

Chairman Lewis, the next several months are critical.

Our immediate priorities are to complete the remaining Standing Committee reviews; bring the Human Rights Committee draft before the November 7 plenary session; obtain Legal Counsel's review of the proposed records policy; integrate language approved by the full Convention; advance Phase One constitutional education; prepare Phase Two education on the adopted Constitution; and secure the necessary statutory corrections and fiscal authority.

The Human Rights Committee's work demonstrates a process of drafting, professional review, Delegate deliberation, and committee approval.

That process must now continue across the Convention.

Phase One education about the Convention's role, the purpose of a constitution, and the need for a Virgin Islands Constitution can proceed. Public circulation of committee-developed constitutional language remains subject to full Convention approval and procedures to be considered on November 7, following Legal Counsel's review.

Closing

This Convention belongs to the people of the Virgin Islands.

A Constitution cannot simply be a document produced by fifteen Delegates. The people must be able to see the work, understand the issues, question the proposals, offer their views, and ultimately make an informed decision.

We have work remaining.

We also have an opportunity.

Our Standing Committees have produced substantial work, supported by legal and constitutional review. The Human Rights Committee's draft awaits full Convention consideration. EPIC is preparing the two-phase public education program, a records-preservation framework is under development, and statutory and fiscal matters require legislative attention.

On behalf of the Virgin Islands Sixth Constitutional Convention, I thank Chairman Avery Lewis, the members of this Committee and the 36th Legislature, my fellow Delegates, our Legal Counsel and Constitutional Advisor, our institutional partners, and, most importantly, the people of the Virgin Islands.

We welcome your questions.

Thank you.