

VIRGIN ISLANDS SIXTH CONSTITUTIONAL CONVENTION

St. Croix, St. John and St. Thomas, Virgin Islands of the United States

September 29, 2026

Honorable Milton E. Potter
President
36th Legislature of the Virgin Islands
Capitol Building
Charlotte Amalie, St. Thomas, VI 00802

RE: Supplemental Request for Amendments to Act No. 8681, as Amended by Act No. 9060

Dear Senate President Potter:

On behalf of the Virgin Islands Sixth Constitutional Convention, I write as a supplement to my correspondence dated September 13, 2026, requesting legislative review and technical and conforming amendments to Act No. 8681, as amended by Act No. 9060.

Since that correspondence, Convention Legal Counsel has conducted additional review of the enabling legislation, the revised statutory timeline established by Act No. 9060, and the federal process governing consideration and approval of a proposed Constitution of the Virgin Islands under Public Law 94-584, as amended.

That review has identified several additional matters that warrant consideration by the 36th Legislature. These matters extend beyond correction of the obsolete references to the 2024 General Election identified in my September 13 correspondence and concern the sequencing of public education, federal review, the referendum, certification of referendum results, implementation of an approved Constitution, and continued fiscal authority.

Public Education and Public Participation. Section 7(a) should be reviewed not only to remove the obsolete reference to the 2024 General Election, but also to ensure that the Convention has clear statutory authority to conduct public education and solicit public comment and feedback concerning proposed constitutional provisions before final adoption of the proposed Constitution. Convention Legal Counsel has specifically recommended an earlier public-education period rather than limiting the statutory campaign to the period following delivery of the completed Constitution.

Federal Review and Referendum Timeline. Of particular importance, Convention Legal Counsel has identified a potential conflict between the fixed dates presently contained in Act No. 9060 and the federal review process established by Public Law 94-584, as amended. The present territorial timetable does not fully account for the period available for presidential and congressional consideration of the proposed Constitution, including the congressional review period measured in legislative days.

Accordingly, the Legislature is respectfully requested to consider replacing the fixed referendum-notice and referendum dates with an event-driven framework tied to completion of the applicable federal review process. Convention Legal Counsel has proposed language under which notice would commence following the applicable federal action and the referendum would thereafter occur within a defined period following publication or broadcast of the first referendum notice.

This approach would preserve the Legislature's intent that the proposed Constitution be submitted to the people through a separate and stand-alone referendum while avoiding a situation in which a fixed territorial referendum date precedes completion of the federally prescribed review process.

Certification and Reporting of Referendum Results. Section 7(d) should also be clarified to preserve the respective responsibilities of the Elections System and the Constitutional Convention. Convention Legal Counsel has recommended that certification of referendum results remain with the appropriate election authorities, while the Convention's statutory responsibility would be to announce and report the certified results and undertake the remaining actions required by law.

Consistent with that distinction, proposed legislative language would replace the Convention's existing reference to "certifying" with "reporting" and would tie the Convention's post-referendum meeting to certification of the referendum results.

Effective Date and Post-Referendum Procedures. Because the actual referendum date may depend upon completion of the federal review process, the Legislature is also respectfully requested to consider whether the effective date presently fixed at January 31, 2028 should instead be tied to certification of referendum results. Convention Legal Counsel has proposed, for consideration, an effective date based upon the last day of the fourth month following certification of the referendum results.

Additionally, the Legislature and its Legal Counsel are requested to review the existing requirement concerning certification or reporting to the President of the United States and Congress to ensure that the territorial statute accurately reflects the federal process and provides an appropriate mechanism for formal notification following ratification. Convention Legal Counsel has recommended further focused review of this provision.

Fiscal Authority Beyond September 30, 2026 and Fiscal Year 2027 Appropriation. Finally, the Convention renews the request contained in my September 13 correspondence concerning the continued availability of appropriated funds and expenditure authority beyond September 30, 2026. The Convention's statutory responsibilities extend well beyond the close of Fiscal Year 2026, while the existing appropriations framework contains provisions requiring immediate fiscal and legal review.

In addition to ensuring the continued availability of existing Convention funds beyond September 30, 2026, the Convention respectfully requests that the Legislature provide an appropriation of \$300,000 for Fiscal Year 2027 to support the Convention's remaining statutory responsibilities. These responsibilities include continued Convention operations, completion of the proposed Constitution, public education and outreach, activities associated with the referendum process, and final closeout responsibilities.

Proposed amendatory language prepared by Convention Legal Counsel is enclosed for the assistance of Legislative Legal Counsel and includes provisions addressing the Fiscal Year 2027 appropriation and allocation of those funds. The proposed language is provided as a legislative drafting resource and is intended to assist the Legislature in identifying and implementing the statutory revisions discussed in this correspondence. The Convention respectfully defers to Legislative Legal Counsel as to the final form and placement of any amendments enacted by the Legislature.

Accordingly, the Convention respectfully requests that the 36th Legislature consider the enclosed proposed amendments, provide the necessary \$300,000 Fiscal Year 2027 appropriation, preserve the availability of any remaining authorized Convention funds beyond September 30, 2026, and make such additional statutory corrections as Legislative Legal Counsel determines necessary to ensure continuity of the Convention's work.

The purpose of this supplemental correspondence is not to withdraw or supersede the Convention's September 13, 2026 request. Rather, it is intended to provide the Legislature with the benefit of the additional analysis subsequently developed by Convention Legal Counsel and to assist Legislative Legal Counsel in preparing a comprehensive amendment to Act No. 8681, as amended.

Given the Convention's February 28, 2027 deadline for completion of its proposed Constitution and the September 30, 2026 expiration issues associated with the current fiscal framework, we respectfully request expedited consideration.

The Sixth Constitutional Convention stands ready to work cooperatively with the 36th Legislature, Legislative Legal Counsel, the Elections System of the Virgin Islands, and other appropriate governmental entities to establish a clear and legally sound process for completing this historic undertaking.

Thank you for your continued assistance and consideration.

Respectfully,

**Stedmann
Hodge**

 Digitally signed by Stedmann
Hodge
Date: 2026.09.29 15:20:03 -04'00'

Stedmann Hodge, Jr.
Acting President
Virgin Islands Sixth Constitutional Convention

Enclosures:

Proposed Legislative Amendments to Act No. 8681, as Amended