

**Proposed Constitution:  
Third Constitutional Convention  
1977-78**

SOURCE: Proposed Document.

**PROPOSED  
VIRGIN ISLANDS CONSTITUTION  
OF THE THIRD CONSTITUTIONAL CONVENTION  
April 18, 1980**

## **We The People ....**

*of the United States Virgin Islands, grateful to Almighty God for our creation, preservation, and freedom, assuming the responsibilities of self-government under the sovereignty of the United States of America, and in order to create a more perfect union among our islands for ourselves and our posterity, provide for the general welfare, protect the fundamental rights and freedoms of the individual, ensure political, social, and economic justice, maintain a representative democratic government, protect our natural resources, and preserve the identity of the Virgin Islands, do ordain and establish this Constitution.*

## VIRGIN ISLANDS CONSTITUTION

### ARTICLE I. BILL OF RIGHTS

**Section 1. Due process and equal protection.** The dignity of the human being is inviolable. The laws of the Virgin Islands and the system of public education shall embody the principle of essential human equality. No person shall be deprived of life, liberty, or property without due process of law or be denied the equal protection of the laws. No person shall be discriminated against on account of race, color, sex, age, place of birth, social origin or condition, or political or religious belief.

**Section 2. Freedom of religion, speech, assembly, and petition.** No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

**Section 3. Right of privacy.** The right of people to privacy in the conduct of their personal affairs is recognized and shall not be infringed.

**Section 4. Right to know.** A person may examine any public document or observe the deliberations of any agency of government, subject to reasonable limitation as may be provided by law, including protection of the right of privacy.

**Section 5. Searches and seizures.** The right of the people to be secure in their persons, houses, papers and other possessions against unreasonable searches and seizures and against invasions of privacy shall not be violated. No warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, thing to be seized, or person to be arrested. Interception of communications by eavesdropping devices or other means is prohibited, unless authorized by warrant issued under terms and conditions provided by law. Evidence obtained in violation of this section shall not be admissible in any court against any person.

**Section 6. Rights of the accused.**

(a) A person is presumed innocent until proved guilty.

(b) In all criminal prosecutions the accused shall have the right to a speedy and public trial. The accused shall have the right to be informed of constitutional rights and of the nature and cause of the accusation; to the assistance of counsel for defense, at public expense if necessary; to compulsory process for obtaining witnesses; and to be confronted with adverse witnesses.

(c) In all criminal prosecutions where the penalty may be imprisonment for six months or more, the accused shall have the right to trial by an impartial jury.

(d) Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All persons shall be presumed to be bailable, provided that in deciding an application for bail the court shall consider the likelihood that the accused will flee the jurisdiction and whether the granting of bail would constitute a hazard to the community.

(e) No person shall be twice put in jeopardy for the same offense or be compelled to give testimony which might tend to be self-incriminating. The failure of an accused to testify shall not be taken into consideration nor commented upon to the detriment of the accused.

(f) All civil rights shall be restored to a person convicted of an offense upon the completion of any sentence served, which shall include any period of probation or parole.

**Section 7. Prohibition of slavery.** Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime after the accused has been duly convicted.

**Section 8. No imprisonment for debt.** No person shall be imprisoned or suffer forced labor for debt.

**Section 9. Habeas corpus.** All persons shall have the right to the writ of habeas corpus.

**Section 10. Labor.**

(a) All persons shall have the right to organize and bargain collectively, to strike and to picket, and to engage in other concerted activities, except that public employees engaged in services determined by law to be essential to the public health or safety shall not have the right to strike.

(b) All employees shall have the right to equal pay for equal work and to reasonable protection against injury in work or employment.

(c) The employment of children in any occupation injurious to their health, morals, or general welfare, or which places them in jeopardy of life or limb, is prohibited.

**Section 11. Protection of property.** Private property shall not be taken except for public use and upon the payment of just compensation.

**Section 12. Restrictions on legislation.** No ex post facto law, bill of attainder, or law impairing the obligation of contracts shall be enacted.

**Section 13. Quartering of soldiers.** No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor, in time of war, except as provided by law.

**Section 14. Reservation and implementation of rights.** The preceding enumeration of rights shall not be construed restrictively nor shall it be construed to deny or disparage other rights retained by the people. The Senate shall provide by law for the implementation and enforcement of this Article.

## ARTICLE II. PRINCIPLES OF GOVERNMENT

**Section 1. Republican form of government.** The government of the Virgin Islands shall be republican in form and shall consist of three branches: legislative, executive, and judicial.

**Section 2. Ethical standards.** Officers and employees of the government shall be devoted to serving the public interest and shall observe and maintain the highest ethical standards. A code of ethics applicable to all public officers and employees shall be established by law.

**Section 3. Capital.** The capital of the Virgin Islands shall be Charlotte Amalie, St. Thomas.

**Section 4. Anthem, flag, and seal.** An anthem, flag, and seal of the Virgin Islands, each of which shall symbolize the culture and history of the people, shall be provided by law within one year of the effective date of this Constitution and may not be changed thereafter except in accordance with the procedures for amending this Constitution.

## ARTICLE III. SUFFRAGE AND ELECTIONS

**Section 1. Right to vote.** Every United States citizen eighteen years of age or older and registered to vote in the Virgin Islands shall have the right to vote. No property, language, literacy, or income qualification may be imposed, but a minimum period of residency in the Virgin Islands may be required by law. Persons who are mentally incompetent or serving a sentence after conviction of a felony may be disqualified from voting by law.

**Section 2. Regular general election.** The regular general election of the Virgin Islands shall be held on the first Tuesday following the first Monday of November in each even-numbered year. The Governor, Lieutenant Governor, Attorney General, Comptroller, Mayors, and members of the Senate, Judicial Commission, and Board of Education shall be elected at a regular general election. Other elections,

referenda, the registration of voters, the administration of elections, and other matters with respect to election procedures shall be as provided by law.

**Section 3. Date of taking office.** The Governor and Lieutenant Governor elected at a regular general election shall take office on the first Monday following the first Tuesday of January following the election. All other public officials elected at a regular general election shall take office on a date or dates set by law.

**Section 4. Oath or affirmation.** No political or religious test, other than an oath or affirmation to support the Constitution and laws of the Virgin Islands and the Constitution and laws of the United States applicable to the Virgin Islands, shall be required as a qualification for public office.

**Section 5. Compensation.** Elected public officials shall receive compensation as provided by law.

#### ARTICLE IV. LEGISLATIVE BRANCH

**Section 1. Legislative power.** The legislative power of the Virgin Islands is vested in a unicameral body designated the Senate, whose members shall be known as senators, and shall extend to all rightful subjects of legislation consistent with this Constitution and the Constitution and laws of the United States applicable to the Virgin Islands. This Constitution and laws of the Virgin Islands enacted under it shall be the supreme law of the Virgin Islands and any inconsistent local ordinance shall be void.

**Section 2. Composition of the Senate.** The Senate shall consist of seventeen members. Four senators shall be elected at large by the qualified voters of the Virgin Islands, provided that two senators elected at large shall be bona fide residents of the legislative district of St. Croix and two senators elected at large shall be bona fide residents of the legislative district of St. Thomas. Thirteen senators shall be apportioned among and elected from the three separate legislative districts of St. Croix, St. John, and St. Thomas based on the distribution of resident citizens in the Virgin Islands, provided that a least one senator shall be elected from each district. Each senator elected at large shall serve for a term of four years, and each senator elected from a district shall serve for a term of two years.

#### **Section 3. Reapportionment.**

(a) At least once every ten years and within 120 days of publication of an official census that determines the number of resident citizens in the Virgin Islands, the Senate shall be reapportioned by law as required by changes in the distribution of resident citizens in the Virgin Islands. A reapportionment plan may not divide a legislative district and shall provide to the extent practicable for representation by each senator of approximately the same number of resident citizens, while ensuring representation for each island of the Virgin Islands.

(b) If the Senate fails to reapportion, the Supreme Court shall have original and exclusive jurisdiction to promulgate a reapportionment plan.

(c) Any qualified voter of the Virgin Islands may petition the Supreme Court to review a reapportionment plan and to amend it to comply with the requirements of this Constitution.

**Section 4. Qualifications of senators.** A senator shall be a United States citizen, a qualified voter of the Virgin Islands for at least three years, at least twenty-one years of age, a bona fide resident of the Virgin Islands for at least five years immediately preceding the date of taking office, and, if a district senator, a bona fide resident of the legislative district from which elected for at least two years immediately preceding the date of taking office.

**Section 5. Compensation.** No law which increases the compensation of senators shall take effect during the term of the Senate which enacts the law.

**Section 6. Restrictions on activities.** A senator may not hold any other public position while in office. Within one year of ceasing to serve in the Senate, a senator who resigns or declines to run for re-election may not be appointed to any public position which was created or the compensation of which was increased during that senator's last term of office.

**Section 7. Vacancies.** If one year or more remains in the unexpired term of office when a vacancy in the Senate occurs, the vacancy shall be filled by special election within sixty days. If less than one year remains in the unexpired term of office when a vacancy occurs, it shall be filled by gubernatorial appointment of the next available person from among those candidates for the vacant seat who were not elected at the most recent election for the seat, considered in order of the highest number of votes received.

**Section 8. Legislative immunity.** A senator may not be held to answer before any tribunal except the Senate for a statement made in any Senate proceeding. A senator shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during attendance at a session of the Senate and in going to and returning from the same.

**Section 9. Organization and procedure.** A majority of the members of the Senate shall constitute a quorum. The Senate shall have all the authority inherent in a legislative assembly; shall be the sole judge of the election and qualifications of its members; and shall have the power to institute and conduct investigations, issue subpoenas, and administer oaths. The Senate, upon the affirmative vote of three-fourths of its members, may discipline any member for cause. The Senate shall keep a daily journal of its proceedings which includes a record of all votes and which shall be published within thirty days.

**Section 10. Regular and special sessions.**

(a) Regular sessions of the Senate shall be held in the capital of the Virgin Islands beginning on the first Monday following the first Tuesday in January of each year.

(b) A special session of the Senate may be called by the Governor or, upon the request of one-third of its members, by its President. No other business shall be considered at a special session until the business specified in the call has been acted upon.

(c) All sessions of the Senate shall be open to the public.

**Section 11. Enactment of laws.**

(a) A law may be enacted only by bill, and a bill shall not be enacted unless it is written, read, and passed by the affirmative vote of a majority of the members of the Senate.

(b) Each bill passed by the Senate shall be presented to the Governor. If the Governor signs or fails to return a bill within ten working days of its presentation, it shall become law. If the Governor vetoes a bill, it shall be returned to the Senate within ten working days of its presentation with a statement of reasons for the veto. The Governor may veto an item, or part or portion thereof, in an appropriation bill and sign the remainder of the bill, in which event the vetoed item, or part or portion thereof, shall be returned to the Senate within ten working days of its presentation with reasons for the veto.

(c) A bill or item, or part or portion thereof, of an appropriation bill vetoed by the Governor may be considered by the Senate upon the motion of any senator within thirty days of its return and shall become law as originally passed upon the affirmative vote of two-thirds of the members of the Senate.

**Section 12. Impeachment.** The Senate may impeach any elected public official of the Virgin Islands for cause upon the affirmative vote of two-thirds of its members. The Supreme Court shall determine, by a two-thirds vote, whether to remove from office an elected public official impeached by the Senate. A person so removed from office shall not be immune from criminal charges or civil action with respect to the same or similar activities.

**ARTICLE V. EXECUTIVE BRANCH**

**Section 1. Executive power.** The executive power of the Virgin Islands is vested in the Governor.



**Section 2. Election of Governor and Lieutenant Governor.** The Governor and Lieutenant Governor shall be elected by the qualified voters of the Virgin Islands and shall serve for a term of four years. Each qualified voter shall cast a single vote applicable to both offices, and the Governor and Lieutenant Governor shall be elected upon receiving a majority of the votes cast. Runoff elections shall be as provided by law. A Governor may not serve more than two successive full terms and may not serve as Lieutenant Governor immediately following two successive full terms as Governor.

**Section 3. Qualifications of Governor and Lieutenant Governor.** The Governor and Lieutenant Governor shall each be a United States citizen, a qualified voter of the Virgin Islands, at least thirty-five years of age, and a bona fide resident of the Virgin Islands for fifteen years, five of which must immediately precede the date of taking office.

**Section 4. Powers and duties of the Governor.**

(a) The Governor shall supervise the executive branch and shall be responsible for the faithful execution of the laws of the Virgin Islands.

(b) The Governor shall appoint, with the advice and consent of the Senate, and may remove the heads of all executive branch departments. The Governor shall appoint and may remove all other employees of the executive branch subject to the laws and regulations of the personnel merit system.

(c) The Governor shall report annually to the Senate on the state of Virgin Islands affairs and, at any time, may recommend bills or other measures to the Senate or address the Senate on any matter before it.

(d) The Governor shall prepare and submit to the Senate, at a time prescribed by law, a budget for the ensuing fiscal year. The budget shall set forth the estimated funds available for appropriation and the estimated receipts, expenditures, and obligations during the fiscal year for every department, agency, and other governmental instrumentality. The budget shall state the public debt and contingent liabilities of the government and shall include other information as may be required by law.

(e) The Governor shall have the power to issue executive orders consistent with law.

(f) The Governor shall have the power to grant reprieves, commutations, and pardons, except in cases of impeachment, and to remit fines and forfeitures. Instances of the exercise of this power shall be reported to the Senate.

(g) In the event of natural disaster, invasion, or insurrection, or imminent danger thereof, the Governor may call out the militia or, when the public safety requires it,

proclaim the Virgin Islands to be under martial law. Upon a proclamation of martial law, the Senate shall meet forthwith and may, upon the affirmative vote of two-thirds of its members, revoke the proclamation of martial law then or at any later time. During an emergency the Governor may request that the Senate meet in another place and may order the executive branch to be moved temporarily.

**Section 5. Powers and duties of the Lieutenant Governor.** The Lieutenant Governor shall have custody of the seal of the Virgin Islands, shall countersign and affix the seal to official documents, shall record and preserve the laws of the Virgin Islands, and shall have additional powers and perform additional duties as may be assigned by the Governor or provided by law.

**Section 6. Official residence.** The official residence of the Governor shall be in the capital of the Virgin Islands. The Governor and Lieutenant Governor shall be provided appropriate rent-free residences.

**Section 7. Restrictions on activities.** The Governor and Lieutenant Governor shall devote full time to executive duties. While in office, neither shall practice a trade or profession for profit or hold any other public position unless authorized by law.

**Section 8. Order of succession.** The constitutional order of succession to the office of Governor and to the office of Lieutenant Governor shall be as follows: Attorney General; President of the Senate; Vice President of the Senate; such other elected public official of the Virgin Islands as may be designated by resolution of the Senate.

**Section 9. Disability of the Governor or Lieutenant Governor.**

(a) The Governor or Lieutenant Governor shall declare a disability to discharge the duties of office by transmitting a written declaration of disability to the President of the Senate. In the event of the temporary disability of the Governor, the Lieutenant Governor shall act as governor. If the Lieutenant Governor is unable to act as governor, the next available person from among the persons in the constitutional order of succession shall act as governor. In the event of the temporary disability of the Lieutenant Governor, the next available person from among the persons in the constitutional order of succession shall act as lieutenant governor. The Governor or Lieutenant Governor shall resume office upon transmission of a written declaration of termination of the disability to the President of the Senate.

(b) At any time, upon the affirmative vote of two-thirds of its members, the Senate may raise the question of the temporary or permanent disability of the Governor or Lieutenant Governor. The Supreme Court shall determine all questions raised by the Senate or otherwise with respect to temporary or permanent disability of the Governor or Lieutenant Governor. If the Governor or Lieutenant Governor is determined by the Supreme Court to be permanently disabled, that office shall be

declared vacant.

**Section 10. Permanent vacancy in the office of Governor or Lieutenant Governor.**

(a) In the event of a permanent vacancy in the office of Governor, the Lieutenant Governor shall become Governor.

(b) In the event of a permanent vacancy in the office of Lieutenant Governor, the Governor shall appoint a qualified person within forty-five days who, upon confirmation by the Senate, shall become Lieutenant Governor. Until such a permanent appointment is made and confirmed, the next available person from among the persons in the constitutional order of succession shall act as lieutenant governor.

(c) If simultaneous vacancies occur in the offices of Governor and Lieutenant Governor when more than one year remains in the unexpired term of office, a special election shall be held within sixty days to fill both offices. During the period between the occurrence of the vacancies and the election of successors, the offices of Governor and Lieutenant Governor, respectively, shall be filled by the next two available persons from among the persons in the constitutional order of succession.

(d) If simultaneous vacancies occur in the offices of Governor and Lieutenant Governor when one year or less remains in the unexpired term of office, the offices of Governor and Lieutenant Governor, respectively, shall be filled for the remainder of the unexpired term of office by the next two available persons from among the persons in the constitutional order of succession.

**Section 11. Attorney General.**

(a) The Attorney General shall be elected by the qualified voters of the Virgin Islands on a nonpartisan ballot and shall serve for a term of four years. The Attorney General shall be a United States citizen, a qualified voter of the Virgin Islands, a bona fide resident of the Virgin Islands for at least five years preceding the date of taking office, and licensed to practice law in the Virgin Islands.

(b) The Attorney General shall prosecute all criminal violations of the laws of the Virgin Islands in the name of the people of the Virgin Islands, provide legal advice to the government, represent the government in all matters to which it is a party, and have other duties and responsibilities as provided by law.

(c) The Attorney General may not hold any other public position while in office.

**Section 12. Executive branch departments.**

(a) Executive branch offices, agencies, and instrumentalities and their respective functions, powers, and duties shall be provided by law. These shall be

organized, as far as practicable, in departments according to major purposes. Independent, regulatory, quasi-judicial, and temporary offices, agencies, and instrumentalities need not be allocated to a department.

(b) The Governor may make, by executive order, such changes in the allocation of offices, agencies, and instrumentalities and in the allocation of functions, powers, and duties as are considered necessary for efficient administration. If such changes are inconsistent with law, they shall be presented to the Senate and shall take effect and have the force of law sixty days after presentation unless modified or disapproved by a majority of the members of the Senate.

## ARTICLE VI. JUDICIAL BRANCH

**Section 1. Judicial power.** The judicial power of the Virgin Islands is vested in a Supreme Court, a Territorial Court, and such other courts of limited jurisdiction as may be established by law.

**Section 2. Supreme Court.** The Supreme Court shall be the highest court of the Virgin Islands, shall have appellate and original jurisdiction as provided by law, and shall consist of a Chief Justice and two associate justices. The number of justices may be increased by law, but may not be decreased to less than three.

**Section 3. Territorial Court.** The Territorial Court shall be the trial court of general jurisdiction of the Virgin Islands and shall consist of a presiding judge and other judges as provided by law. It may be divided into functional divisions as provided by rules of the Supreme Court.

### **Section 4. Nomination and appointment of justices and judges.**

(a) A Judicial Commission shall be established by law to nominate persons to fill vacancies on the Supreme Court and Territorial Court. The commission may censure, suspend, or remove any justice or judge for cause upon the affirmative vote of a majority of its members and shall perform other duties as may be provided by law. The commission shall consist of at least six members. One member shall be a justice or judge appointed by the Chief Justice of the Supreme Court and one member shall be a resident attorney appointed by the Virgin Islands bar association. All other members shall be elected by the qualified voters of the Virgin Islands. All members shall serve for terms of six years.

(b) The Governor shall appoint, with the advice and consent of the Senate, each justice of the Supreme Court and judge of the Territorial Court from among the candidates nominated by the Judicial Commission.

**Section 5. Term of office.** A justice of the Supreme Court shall serve for a term of eight years and a judge of the Territorial Court shall serve for a term of six years, unless removed by the Judicial Commission or by recall.

**Section 6. Qualifications.** A justice or judge shall be a United States citizen and, for at least five years immediately preceding the date of appointment, a bona fide resident of the Virgin Islands and licensed to practice law in the Virgin Islands.

**Section 7. Compensation.** The salary and allowances of a justice or judge may not be decreased during a term of office.

**Section 8. Restrictions on activities.** A justice or judge may not engage in any activity which would interfere with the impartial administration of justice. A justice or judge, while in office, may not hold any other public position, engage in partisan politics, or run for elected office.

**Section 9. Rulemaking power.** The Supreme Court shall adopt rules with respect to judicial matters, including civil and criminal procedure, judicial ethics, and admission to, governance of, and expulsion from the practice of law in the Virgin Islands.

**Section 10. Administration.** The Chief Justice of the Supreme Court shall be responsible for the day-to-day administration of that court and all other courts established by law. The presiding judge of the Territorial Court shall be responsible for the day-to-day administration of that court.

## ARTICLE VII. LOCAL GOVERNMENT

### Section 1. Mayors.

(a) A mayor shall be elected by the qualified voters of each administrative district of the Virgin Islands, the number and boundaries of which shall be determined by law. An administrative district may not be created without the approval of a majority of the qualified voters of the proposed administrative district voting on the question at a referendum.

(b) A mayor shall be a United States citizen, a qualified voter of the Virgin Islands, at least thirty years of age, and a bona fide resident of the administrative district in which elected for at least five years immediately preceding the date of taking office.

(c) A mayor shall serve for a term of four years but may not be elected for more than two successive full terms. A vacancy in the office of mayor shall be filled as provided by law, except that if more than two years remain in an unexpired term of office when a vacancy occurs, the vacancy shall be filled by special election.

(d) A mayor may not hold any other public position while in office.

### Section 2. Powers and responsibilities of mayors.

(a) A mayor shall administer administrative district departments of Public Safety, Public Works, Health, and such other departments or divisions thereof as may be designated by law.

(b) A mayor shall appoint, with the advice and consent of the District Assembly, and may remove the heads of all administrative district departments.

(c) A mayor, with the advice of the District Assembly, shall recommend a proposed annual administrative district budget to the Governor; shall have the opportunity to review the Governor's proposed budget before its submission to the Senate; and may recommend amendments to the budget. Any budget recommendation by a mayor shall be considered by the Governor and may be rejected only for good cause.

(d) A mayor shall be responsible for the enforcement of local ordinances applicable to the administrative district.

(e) A mayor, at any time, may recommend ordinances to the District Assembly and express views on any matter before the District Assembly.

(f) A mayor shall have other powers and responsibilities as may be provided by law.

**Section 3. District Assemblies.** There shall be a District Assembly for each legislative district of the Virgin Islands. The District Assembly of St. Croix and the District Assembly of St. Thomas shall be composed respectively of those district senators elected from the legislative districts of St. Croix and St. Thomas. The District Assembly of St. John shall be composed of the senator or senators elected from St. John plus four additional bona fide residents of St. John elected by the qualified voters of St. John. Each District Assembly may adopt ordinances which deal with local matters within its district; shall advise the mayors within its district on budget recommendations; and shall have other powers and duties, excluding the power to issue bonds, as may be provided by law.

**Section 4. Adoption of ordinances.** An ordinance passed by a District Assembly shall be presented for approval or disapproval to the mayor of each administrative district that the ordinance will affect. If each mayor to whom an ordinance is presented either signs or fails to return the ordinance to the District Assembly within ten working days of its presentation, the ordinance shall take effect in accordance with its terms. If any mayor to whom an ordinance is presented disapproves of the ordinance, it shall be returned to the District Assembly within ten working days of presentation with a statement of objections. The District Assembly may enact an ordinance over the objections of a mayor by the affirmative vote of two-thirds of its members.

## ARTICLE VIII. EDUCATION

### Section 1. Educational philosophy.

(a) The government of the Virgin Islands shall provide for the education of its people and shall establish a system of elementary, secondary, and higher education which includes programs that respond to the people's needs, interests, and abilities.

(b) Elementary and secondary education shall be compulsory for all persons within school age limits prescribed by law. Attendance at a public or an accredited non-public school shall satisfy this requirement. Public elementary and secondary education shall be free.

### Section 2. Virgin Islands Board of Education.

(a) A Board of Education shall be established by law to set the educational policies of the Virgin Islands and to have other powers and duties as may be provided by law. Members of the board shall be elected for terms of four years from the two educational districts of St. Croix and St. Thomas-St. John, provided that at least one board member shall be a resident of St. John. The number, apportionment, and qualifications of board members shall be determined by law.

(b) The Board of Education shall also act as the Virgin Islands Board of Vocational Education.

(c) Members of the Board of Education elected respectively from St. Croix and St. Thomas-St. John shall constitute district boards, which shall have such powers over the conduct of local educational matters as may be delegated by the Virgin Islands Board of Education.

**Section 3. Education Commission.** The Governor, with the advice and consent of the Senate, shall appoint every five years an Education Commission of not less than three nor more than seven members which shall review as a totality the performance of the educational system of the Virgin Islands, including institutions of higher learning and measures taken to promote the preservation of the culture and traditions of the people of the Virgin Islands. Within two years of its appointment, the commission shall submit to the Governor and the Senate a public report of its findings and recommendations. The commission shall have such other powers and duties as may be provided by law.

## ARTICLE IX. PROTECTION OF CULTURE AND THE ENVIRONMENT

**Section 1. Cultural development.** No law shall be passed abridging the development of Virgin Islands culture, language, traditions, or customs. Study of Virgin Islands culture, including language, traditions, history, and art, shall be an integral part

of the public educational system.

**Section 2. Commission on culture.** A commission shall be established by law to study and promote the preservation of the culture and traditions of the Virgin Islands.

**Section 3. Land commission.** A commission shall be established by law to acquire land, either by transfer from the government of the Virgin Islands or by purchase using appropriations granted by law, for the purpose of redistributing by lease, under terms and conditions provided by law, such land to the people of the Virgin Islands.

**Section 4. Historic places and artifacts.** Places, artifacts, and objects of cultural or historic significance to the people of the Virgin Islands shall be protected and preserved, and public access to such places shall be maintained, as provided by law.

**Section 5. Environmental protection.** To ensure that the people have clear air and pure water and that they have the opportunity to enjoy the scenic, historic, and aesthetic environment of the Virgin Islands, it shall be the policy of the Virgin Islands to conserve, develop, and utilize its natural resources and public facilities and to protect its atmosphere, lands, and waters from pollution and destruction.

**Section 6. Open beaches.** All beaches and shorelines of the Virgin Islands shall be public and open to public use.

**Section 7. Right to a healthful environment.** Each person has the right to a healthful environment. Each person may enforce this right against any party, public or private, through appropriate legal proceedings subject to reasonable limitation as may be provided by law.

## ARTICLE X. TAXATION AND FINANCE

**Section 1. Tax authority.** All taxes shall be levied by law, and the Senate may not surrender, suspend, or contract away its power to initiate tax legislation. A tax may be levied or an appropriation of public money made only for a public purpose.

**Section 2. Income tax.** Laws shall be enacted to administer and enforce the income tax and other related federal laws applicable to the Virgin Islands.

### Section 3. Public debt limitation.

(a) Public debt may be incurred through the issuance of bonds to be repaid from tax revenues, but aggregate public debt may not exceed two and one-half times the average annual revenue for the previous three fiscal years. Bond issues may be initiated either by the affirmative vote of two-thirds of the members of the Senate or by



the people by initiative. Each bond issue shall be approved by a majority of the qualified voters of the Virgin Islands voting on the question at a referendum.

(b) Bonds may not be issued for the operating expenses of the Virgin Islands government, except that short-term bonds which are required to be repaid within one year may be issued by law to meet appropriations for any fiscal period in anticipation of the collection of revenue for that period or to meet casual deficits.

(c) For the purposes of subsections (a) and (b) of this section, the term "bonds" shall include bonds, notes, and other instruments of indebtedness secured by the full faith and credit of the government of the Virgin Islands, and the computation of average total revenue shall not include monies received as grants from the federal government.

(d) Bonds or other obligations of the Virgin Islands payable solely from revenues derived from any public improvement or undertaking may not exceed two and one-half times the issuing authority's average annual revenue for the previous three fiscal years, except that during the first three years of its existence a new authority may issue bonds as provided by law.

#### **Section 4. Comptroller General.**

(a) The Comptroller General shall be elected by the qualified voters of the Virgin Islands on a nonpartisan ballot and shall serve for a term of six years. The Comptroller General shall be a United States citizen, a qualified voter of the Virgin Islands, and a bona fide resident of the Virgin Islands for at least five years immediately preceding the date of taking office, and shall have such other qualifications as may be provided by law.

(b) The Comptroller General shall audit all revenues, accounts, expenditures, and programs of the government, its departments, offices, agencies, and instrumentalities; shall make a public annual report and any special reports which may be required by the Governor or the Senate; and shall perform other duties as may be provided by law. In the performance of official duties the Comptroller General shall have the authority to administer oaths, take evidence, and compel the attendance of witnesses and the production of books, letters, documents, papers, records, and all other articles necessary to the performance of those duties.

(c) The Comptroller General may not hold any other public position while in office, nor engage in any activity which would conflict with official duties and responsibilities. The salary of the Comptroller General shall not be decreased during a term of office.

## ARTICLE XI. INITIATIVE AND RECALL

### Section 1. Initiative.

(a) The people may enact laws and local ordinances and may repeal laws and local ordinances, except appropriations, by initiative. An initiative petition shall contain the full text of the proposed law or ordinance or the law or ordinance sought to be repealed. If the petition applies to a law of the Virgin Islands, it shall be signed by at least fifteen per cent of the qualified voters of each legislative district of the Virgin Islands or by sixty per cent of the qualified voters of the Virgin Islands. If the petition applies to a local ordinance, it shall be signed by at least fifteen per cent of the qualified voters of the legislative district to which the petition applies.

(b) An initiative petition shall be filed with the Senate or appropriate District Assembly. The proposal contained in the initiative petition shall take effect in accordance with its terms if adopted by the Senate or District Assembly within thirty days of the filing of the petition. If the Senate or District Assembly fails to act on the proposal within that period, the proposal shall be submitted to the voters at the next regular general election.

(c) An initiative with respect to a law of the Virgin Islands shall take effect in accordance with its terms upon the affirmative vote of a majority of the qualified voters of the Virgin Islands voting on the question. An initiative with respect to a local ordinance shall take effect in accordance with its terms upon the affirmative vote of a majority of the qualified voters of the legislative district voting on the question.

(d) An initiative may not be vetoed by the Governor or a mayor. An initiative adopted by the people may not be amended or repealed by the Senate or District Assembly in office when the initiative petition was filed or by the immediately succeeding Senate or District Assembly.

### Section 2. Recall.

(a) Elected public officials and justices and judges of the courts of the Virgin Islands may be recalled by the qualified voters of the Virgin Islands. A recall petition shall identify the official sought to be recalled by name and office, state the grounds for recall, and be signed by at least thirty per cent of the persons qualified to vote for the office occupied by the official or, in the case of a justice or judge, by thirty per cent of the qualified voters of the Virgin Islands.

(b) A special recall election, at which persons qualified to vote for the public official sought to be recalled may vote, shall be held within sixty days of the filing of the recall petition. An official shall be recalled upon the affirmative vote of two-thirds of those voting on the question.

(c) A recall petition may not be filed against a public official during the first year of a term of office or more than once a year.

## ARTICLE XII. CONSTITUTIONAL AMENDMENT

**Section 1. Proposal of amendments.** Amendments to this Constitution shall maintain the principles of a republican form of government and may be proposed by a constitutional convention, the Senate, or initiative.

### Section 2. General constitutional convention.

(a) The Senate, by the affirmative vote of two-thirds of its members, may submit to the qualified voters of the Virgin Islands at a regular general election the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" This question shall be submitted by the Senate to the qualified voters of the Virgin Islands within ten years after the effective date of this Constitution and at least once every ten years thereafter.

(b) An initiative petition may submit to the qualified voters of the Virgin Islands the question, "Shall there be a constitutional convention to propose amendments to the Constitution?" The petition shall be signed by at least ten per cent of the qualified voters of the Virgin Islands, and the question shall be submitted to the voters at the first regular general election held not less than ninety days after the filing of the initiative petition.

(c) If a majority of those voting on the question of a constitutional convention favors holding such a convention, the Senate shall convene a convention promptly.

(d) Delegates to a constitutional convention shall be elected on a nonpartisan ballot. A constitutional convention may propose an amendment to the Constitution only upon the affirmative vote of two-thirds of its members.

**Section 3. Legislative proposal.** The Senate may propose an amendment to this Constitution upon the affirmative vote of two-thirds of its members.

**Section 4. Initiative.** The people may propose an amendment to this Constitution by initiative. An initiative petition shall contain the full text of the proposed amendment and shall be signed by fifteen per cent of the qualified voters of each legislative district of the Virgin Islands or by sixty per cent of the qualified voters of the Virgin Islands.

**Section 5. Limited constitutional convention.** A constitutional amendment proposed by the Senate or by initiative may provide, in accordance with its terms, for direct ratification by the qualified voters of the Virgin Islands or for the convening of a constitutional convention limited to the issues raised by the proposed amendment. If a majority of those voting on the question of a limited constitutional

convention favors holding such a convention, the Senate shall convene a limited constitutional convention promptly, subject to the same restrictions on membership and adoption of any proposed amendment as those imposed on a general constitutional convention.

#### **Section 6. Constitutional revision commission.**

(a) Within five years after the effective date of this Constitution and at least once every ten years thereafter, a constitutional revision commission shall be established by law. The commission shall consist of the Chief Justice of the Supreme Court, who shall serve as chairperson; two members of the judiciary appointed by the Chief Justice; two members appointed by the Governor; two members appointed by the Senate; and four members appointed by the Governor, with the advice and consent of the Senate, who may not, when appointed or while on the commission, hold any other public position. Members of the commission shall be qualified voters of the Virgin Islands. A vacancy on the commission shall be filled in the same manner as the original appointment.

(b) A constitutional revision commission shall convene at the call of the Chief Justice and adopt its rules of procedure. After studying the Constitution of the Virgin Islands and holding public hearings, the commission shall, within ninety days of its establishment, make a public report to the Senate with its proposals, if any, for revision of the Constitution.

**Section 7. Ratification of amendments.** Each proposed amendment to this Constitution shall be submitted to the qualified voters of the Virgin Islands for ratification at the first regular general election held not less than ninety days after proposal of the amendment. A proposed amendment shall take effect in accordance with its terms upon the affirmative vote of two-thirds of those voting on the amendment.

### **TRANSITIONAL SCHEDULE**

#### **Section 1. Ratification and effective date of the Constitution.**

This Constitution, as finally approved or modified by the Congress of the United States under section 5 of P.L. 94-584 (October 12, 1976), shall be submitted to the qualified voters of the Virgin Islands and shall be ratified upon the affirmative vote of a majority of those voting yes or no on the ratification question. The Constitution shall take effect ninety days after ratification, except as provided in sections 2 and 5 of this Transitional Schedule.

**Section 2. Elections.** Notwithstanding any other provision of this Constitution, the Attorney General, Comptroller General, Mayors and members of the Senate and Board of Education shall be elected in accordance with this Constitution at the first regular general election after the effective date of this Constitution and shall serve for terms of two years. Successors to these offices and the Governor and Lieutenant Governor shall be elected in accordance with this Constitution at the

regular general election in 1982. The Judicial Commission shall be constituted by law, which law shall include provisions for the election of members at a special election within ninety days after the effective date of this Constitution. Each member of the Judicial Commission elected at the initial election shall serve for a term as provided by law, notwithstanding the provisions of section 4 (a) of Article VI of this Constitution.

**Section 3. Continuity of laws, executive orders, and regulations.**

Laws, executive orders, and regulations in force in the Virgin Islands on the effective date of this Constitution that are consistent with this Constitution shall continue in force until they expire or are amended or repealed. Laws, executive orders, and regulations that are inconsistent with this Constitution shall be void to the extent of the inconsistency.

**Section 4. Continuity of government employment and operations.**

Employees of the government of the Virgin Islands on the effective date of this Constitution shall be employees of the constitutional government on the same terms and conditions of employment as were enforceable previously against the Virgin Islands, unless otherwise provided by law. Employees of the government of the Virgin Islands shall have the same functions and duties after becoming employees of the constitutional government, unless otherwise provided by law.

**Section 5. Continuity of judicial matters.** On the effective date of federal legislation regulating the relationship between the local courts of the Virgin Islands and the federal judicial system, the Territorial Court of the Virgin Islands shall become the constitutional Territorial Court and the judges serving on the Territorial Court shall become judges of the constitutional Territorial Court. Appeals on civil and criminal matters shall continue to vest in the United States District Court of the Virgin Islands until such time as the Supreme Court is constituted and assumes its functions under this Constitution, at which time they shall vest in the Supreme Court. Civil and criminal matters pending before the Territorial Court of the Virgin Islands on the effective date of federal legislation regulating the relationship between the local courts of the Virgin Islands and the federal judicial system shall remain pending before the constitutional Territorial Court. Civil and criminal matters pending on appeal before the United States District Court of the Virgin Islands on that date shall remain within the jurisdiction of that court until finally decided. Rules of the Territorial Court consistent with the provisions of this Constitution shall remain in force until they expire or are altered or repealed by the Supreme Court.

**Section 6. Administrative districts.** Notwithstanding the provisions of section 1 (a) of Article VII, there shall be three administrative districts established in the Virgin Islands on the effective date of this Constitution: the Administrative District of St. Croix; the Administrative District of St. John; and the Administrative District of St. Thomas. These administrative districts may not be changed until after the expiration of the first term of office of the first mayor elected under this Constitution, except that, if within 180 days of ratification of this Constitution, a petition signed by at least fifteen per cent of the qualified voters of any of the above administrative districts and filed with