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**THE CONSTITUTION OF THE
VIRGIN ISLANDS OF THE UNITED STATES
FIFTH CONSTITUTIONAL CONVENTION**

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PREAMBLE

7 We, the people of the Virgin Islands, grateful to Almighty God for our creation,
8 preservation, freedom, and Divine Guidance, mindful of our Virgin Islands heritage and
9 uniqueness, assuming the responsibilities of self-government as an unincorporated
10 territory of the United States, in order to promote more unity among our islands for
11 ourselves and our posterity, promote the general welfare, protect the fundamental rights
12 and freedoms of the individual, ensure political, social and economic justice, maintain a
13 republican form of government, protect our culture and natural resources, and preserve
14 the identity of the Virgin Islands.

16 Whereas we recognize the original indigenous peoples who inhabited these islands. We
17 especially recognize the significant hardships endured by the enslaved Africans during
18 the period of European colonial rule which precipitated the 1733 revolution on St. John,
19 the successful 1848 Emancipation Insurrection, the 1878 Fireburn on St. Croix, and the
20 1892 Coal Workers' Strike on St. Thomas.

22 Whereas the transfer of the former Danish West Indies to the United States of America
23 through the Treaty of Cession of 1917 confirmed that the civil rights and political status
24 of the inhabitants of the islands shall be determined by the United States Congress.

26 Whereas the adoption of the mass naturalization acts of 1927 and 1932 identified the
27 natives of the Virgin Islands who resided in the islands on January 17, 1917, and whose
28 descendents are ancestral native Virgin Islanders.

30 Whereas we acknowledge the enormous contributions to the socio-economic and political
31 development of the Virgin Islands by those who migrated to the territory from countries
32 of the wider Caribbean, who endured significant hardships as a result of prevailing U.S.
33 immigration and labor laws, and who came to form an integral part of the Virgin Islands
34 society; we especially recognize those who migrated from Puerto Rico, the French,
35 Dutch, and the British West Indies whose contributions have been integral to the
36 political, economic and social development of Virgin Islands society.

38 Whereas the applicability of the United Nations Charter confirms the principle of equal
39 rights and self-determination of peoples and the requirement for the development of full
40 self-government; we affirm that the establishment of local constitutional self-government
41 pursuant to this Constitution shall not preclude or prejudice the further exercise by the
42 people of the Virgin Islands of the right of self-determination regarding the attainment of
43 a permanent political status; Now Therefore, we do ordain and establish this Constitution.

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ARTICLE I BILL OF RIGHTS

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Section 1 Fundamental Rights

48 (a) The dignity of the human being is inviolable. No person shall be deprived of life,
49 liberty or property without due process of law or be denied the equal protection of the
50 laws. Legislative measures designed to protect or assist persons or categories of persons,
51 disadvantaged by discrimination may be undertaken.

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2 (b) No person shall be discriminated against on account of race, color, sex, gender, sexual
3 orientation, place of birth, socio-economic class, origin, political religious belief, age or
4 disability.
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6 **Section 2 Freedom of Religion, Speech, Press, Assembly and Petition**

7 No law shall be enacted respecting an establishment of religion, or prohibiting the free
8 exercise thereof, or abridging the freedom of speech or of the press, or the right of the
9 people to assemble peaceably, or the right to petition the Government for the redress of
10 grievances.

11 **Section 3 Right of Privacy**

12 A person has the right to a reasonable expectation of privacy in the conduct of personal
13 affairs and communications and it shall not be infringed.

14 **Section 4 Right to Know**

15 A person shall have the right to examine any public document and to observe the
16 deliberation of any agency of government subject only to exceptions provided by law and
17 the right of individuals to privacy in their personal affairs.

18 **Section 5 Searches and Seizures**

19 A person shall have the right, subject only to warrant, to be secure in their person,
20 dwelling, papers, possessions and privacy, and such right shall not be abridged by
21 unreasonable search and seizure. No warrant for arrest or search shall be issued except
22 upon probable cause, supported by oath or affirmation, and particularly describing the
23 place to be searched, thing to be seized, or person to be arrested. Evidence obtained in
24 violation of the rights of the accused shall not be admissible as affirmative evidence
25 against the accused in a criminal trial.

26 **Section 6 Rights of the Accused**

27 (a) In all criminal prosecutions, the accused shall be presumed innocent unless and until
28 proven guilty beyond a reasonable doubt, shall have the right to a speedy, public trial, and
29 trial by impartial jury, where the penalty may be imprisonment for more than six months;
30 to be informed of the nature and cause of the accusation, to have the assistance of
31 counsel, and where the accused may be imprisoned, the assistance of counsel at public
32 expense, if necessary; to have compulsory process for obtaining witnesses, and to
33 confront the witnesses against the accused.

34 (b) Any person who is subjected to a custodial police interrogation shall, before he is
35 questioned, be advised that he has a right to remain silent, that any statement that he
36 makes may be used as evidence against him, and that he has the right to the presence of
37 an attorney, either retained or appointed.

38 (c) Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual
39 punishment inflicted. All persons shall be presumed to be bailable, and such presumption
40 shall be overcome only by a preponderance of the evidence, established by the
41 Government that the accused may flee the jurisdiction or that the granting of bail would
42 constitute a danger to the community.

43 (d) No person shall be twice put in jeopardy for the same offense or be compelled in any
44 criminal case to be a witness against himself. The failure of an accused to testify shall not
45 be taken into consideration or commented upon to the detriment of the accused.

1 (e) All civil rights may be restored to a person convicted of an offense upon the
2 completion of any sentence served and any period of probation or parole, subject to
3 reasonable limitation as may be proscribed by law.

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5 **Section 7** **Rights of Victims**

6 Victims of crime shall have the right to be treated with fairness, respect, dignity, and be
7 free from intimidation, harassment, or abuse throughout the criminal justice process.
8 Subject to reasonable limitations imposed by law, victims shall be informed and allowed
9 to be present and to be heard during all sentencing, probation or parole hearings
10 involving the crime; including the right to file a "Victim Impact Statement," as provided
11 by law. They shall have the right to receive the return of any property taken during the
12 investigation or recovered, returned as soon as possible after trial.

13 **Section 8** **Prohibition of Slavery**

14 Slavery and involuntary servitude are prohibited, except in the latter case as a punishment
15 for crime after the accused has been duly convicted.

16 **Section 9** **No Imprisonment for Debt**

17 No person shall be imprisoned or suffer forced labor for debt.

18 **Section 10** **Habeas Corpus**

19 All persons have the right to apply for a writ of habeas corpus and such shall not be
20 unreasonably denied.

21 **Section 11** **Labor**

22 (a) All persons shall have the right to organize and bargain collectively, strike, picket,
23 and engage in other lawful concerted activities subject to reasonable limitations to protect
24 health, welfare, and safety.

25 (b) Public employees engaged in services essential to the public health or safety may
26 have the right to strike in accordance with law.

27 (c) All public and private employees shall have the right to equal pay for equal work:
28 provided, however, that the phrase equal pay for equal work shall not be construed as
29 requiring the equality of salaries, compensation, or benefits between public employees
30 doing substantially equal work represented by different labor organizations; and shall not
31 prohibit differentials based upon differences in experience, skills and seniority.

32 (d) All employees shall have the right to reasonable protection against injuries in work or
33 employment.

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

36 (f) No employee or applicant shall be forced to waive any employment laws.

37 **Section 12** **Protection of Property**

38 Private property shall not be taken for public use without the payment of just
39 compensation. Private property shall only be taken for a substantial and direct public
40 benefit.

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42 **Section 13** **Restrictions of Legislation**

43 No ex post facto law, bill of attainder, or law impairing the obligation of contracts shall
44 be enacted.

1 **Section 5** **Supreme Law of the Virgin Islands**

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3 This Constitution shall be the supreme law of the Virgin Islands.

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5 **ARTICLE III VIRGIN ISLANDER**

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7 **VIRGIN ISLANDERS**

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9 **Section 1** **Ancestral Native Virgin Islander**

10 An Ancestral Native Virgin Islander is:

- 11 (a) a person born or domiciled in the Virgin Islands prior to and including
12 June 28, 1932 and not a citizen of a foreign country pursuant to 8 U.S.C.
13 1406 in its pertinent part, and his/her descendants; and
- 14 (b) descendants of an Ancestral Native Virgin Islander residing outside of
15 the U.S., its territories and possessions between January 17, 1917 and
16 June 28, 1932, not subject to the jurisdiction of the U.S. and who are not
17 a citizens or a subjects of any foreign country.

18 **Section 2** **Native Virgin Islander**

19 A Native Virgin Islander is:

- 20 (a) a person born in the Virgin Islands after June 28, 1932, and
- 21 (b) descendants of a person born in the Virgin Islands after June 28, 1932.

22 **ARTICLE IV SUFFRAGE AND ELECTIONS**

23 **Section 1** **Right to Vote**

24 Every citizen of the United States and the Virgin Islands eighteen (18) years of age or
25 older and registered to vote in the Virgin Islands shall have the right to vote. No other
26 qualifications or requirements may be imposed except a period of residency may be
27 required by law. Persons who are adjudged mentally incompetent or who serve a
28 sentence after conviction of a felony may be disqualified from voting.

29 **Section 2** **Regular General Election**

30 The regular general election of the Virgin Islands shall be held on the first Tuesday
31 following the first Monday in November in each even numbered year. All executive
32 branch officers and members of the Senate shall be elected at a regular general election.
33 Other elections, initiative, referenda, and matters with respect to election procedures shall
34 be as provided by law.

35 **Section 3** **Date of Taking Office**

36 The Governor and Lieutenant Governor elected in a regular general election shall take
37 office the first Tuesday following the first Monday in January following the election. All
38 other public officials elected at the regular general election shall take office as provided
39 by law.

40 **Section 4** **Oath of Affirmation**

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

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1 Thomas, and one elected from St. John. Senators shall be residents of the
2 sub-districts from which elected, and shall be elected by the electors of
3 that sub-district.

4 (2) Senators elected At-large shall be elected for a term of four (4) years
5 and Senators elected by sub-districts shall be elected for a term of two (2)
6 years.

7 (b) At least once every ten (10) years and within one hundred and twenty
8 days (120) of publication of an official census, the Senate shall appoint a
9 reapportionment commission. The commission shall provide a plan for
10 the reapportionment of At-Large and sub-district senate seats that are
11 contiguous and compact areas. The areas shall be constituted as to give,
12 as nearly as is practicable, representation in proportion to the census
13 population. The plan shall provide for at least one Senator from St. John.
14 If the Senate fails to establish a reapportionment commission in
15 accordance with this section within one hundred and twenty (120) days
16 of the release of the official census or if the Senate fails to reapportion
17 within two hundred and forty (240) days of the release of the official
18 census, the Supreme Court shall have original and exclusive jurisdiction
19 to promulgate and enact a reapportionment plan.

20 **Section 3 Qualifications of Senators**

21 A Senator shall be:

- 22 a) An elector of the Virgin Islands,
- 23 b) At least 18 years of age,
- 24 c) Domiciled in the legislative district or sub-district for at least one year
25 immediately preceding the first date of filing for office, and
- 26 d) Be a citizen of the United States and the Virgin Islands.

27 **Section 4 Restriction of Activities**

28 Activities of Members of the Senate shall be restricted as follows:

- 29 a) Until such time as Local Government is implemented, Senators shall
30 devote their full time to their duties and not (1) engage in any
31 employment, trade, or profession, and (2) not hold any other paid public
32 position unless authorized specifically by law.
- 33 b) Upon the implementation of Local Government the Compensation
34 Commission, established herein, shall adjust the compensation of
35 Senators commensurate with the required service.
- 36 c) Within one year of leaving the Senate, a Senator shall neither be
37 appointed to any salaried public position which was created by the
38 Senate during the previous term nor benefit from any compensation
39 which was increased by the Senate during the Senators last term of office

1 unless the salary change was recommended by the Compensation
2 Commission on Legislative, Executive and Judicial Salaries.

3 **Section 5 Vacancy**

4 If a vacancy occurs in the Senate, the President of the Senate shall, within thirty (30)
5 days, appoint the next available person from among those candidates considered in the
6 order of the highest number of votes received for that seat in the last election. If there is
7 no available candidate, the vacancy shall be filled as provided by law.

8 **Section 6 Legislative Immunity**

9 A Senator shall not be held to answer in any place except the Senate for a statement made
10 in any Senate proceeding. A Senator shall, except in cases of treason, felony, or breach
11 of the peace, be privileged from arrest in the Senator's travel to, from or during a session
12 of the Senate.

13 **Section 7 Organization and Procedure**

14 A majority of the Senate shall constitute a quorum. The Senate shall have all authority
15 inherent in a legislative assembly; shall be the judge of the qualifications of its members,
16 and shall have the power to institute and conduct investigations, issue subpoenas, and
17 administer oaths. The Senate, upon the vote of two-thirds (2/3) of its members, may
18 discipline any member for cause. The Senate shall maintain a daily journal of its
19 proceedings, which shall include a record of all votes taken and shall be published within
20 thirty (30) days and made available to the public upon request.

21 **Section 8 Regular and Special Sessions**

22 Sessions of the Senate:

- 23 (a) The first Regular sessions of each term of the Senate shall be held in the
24 capital of the Virgin Islands beginning on the second Monday in January.
- 25 (b) A special session of the Senate may be called by the Governor or by the
26 President of the Senate upon request by two-thirds (2/3) of its members.
27 Only the business specified in the call shall be considered at a special
28 session.
- 29 (c) All sessions of the Senate shall be open to the public.

30 **Section 9 Enactment of Laws**

31 Senate shall have the authority to enact laws:

- 32 (a) A law may be enacted only by bill, and a bill shall not be enacted unless
33 it is circulated, read, and passed by a majority of the members present.
34 The full text of each bill or amendment must be read in its entirety at
35 least once during legislative consideration. This reading can only be
36 waived by a three quarters majority of all members present.
- 37 (b) Each bill passed by the Senate shall be presented to the Governor. If the
38 Governor signs or fails to return a bill within ten days (Sundays
39 excepted) of presentation, it shall become law. If the Governor vetoes a
40 bill, it shall be returned to the Senate within ten days (Sundays excepted)
41 of its presentation with a statement of reasons for the veto. The Governor
42 may veto an item of an appropriation bill and sign the remainder of the
43 bill, in which event the vetoed item shall be returned to the Senate within

- 1 ten days (Sundays excepted) of its presentation with a statement of
 2 reasons for the veto.
- 3 (c) A bill or section of an appropriation bill vetoed by the Governor may be
 4 reconsidered by the Senate upon the motion of any Senator no later than
 5 the end of the next legislative session and shall become law as originally
 6 passed upon a vote of two-thirds of the Senate.
- 7 (d) The Senate shall pass a balanced budget. The Senate is authorized to
 8 consider and pass biennial budgets.
- 9 (e) All senatorial documents, including draft bill proposals, shall be open
 10 public records subject to the open records act of the Virgin Islands.

11 **Section 10 Impeachment**

12 The Senate may impeach for cause any elected official upon a vote of two-thirds (2/3) of
 13 its members. The Supreme Court shall determine, by a vote of two-thirds (2/3), whether
 14 to remove from office an elected official impeached by the Senate, and a person so
 15 removed shall not be immune from criminal charges or civil action.

16 **ARTICLE VI EXECUTIVE BRANCH**
 17 **EXECUTIVE POWER AND AUTHORITY**

18 The Executive power and authority of the Virgin Islands are vested in the Governor.

19 **Section 1 Composition; Officers Enumerated**

20 There shall be an executive branch composed of a Governor, Lieutenant Governor,
 21 executive departments and agencies.

22 **Section 2 Election of Executive Officers**

23 The Governor and Lieutenant Governor shall be elected jointly by the electors of the
 24 Virgin Islands upon receiving a majority of the votes cast. Runoff elections shall be as
 25 provided by law. A Governor may not serve more than two successive full terms and
 26 may not serve as Lieutenant Governor immediately following two successive full terms.

27 **Section 3 Qualifications for Governor and Lieutenant Governor**

28 The Governor and Lieutenant Governor each shall:

- 29 (a) be an elector of the Virgin Islands for at least ten (10) years,
 30 (b) be at least thirty-five (35) years of age,
 31 (c) be a domiciliary of the Virgin Islands for at least fifteen (15) years, ten
 32 (10) of which must immediately precede the date of filing for office,
 33 (d) be an Ancestral or Native Virgin Islander, and
 34 (e) not have dual citizenship.

35 **Section 4 Powers and Duties of the Governor**

- 36 (a) The Governor shall:
 37 (1) exercise full authority over the executive branch except as otherwise
 38 provided by this Constitution and shall be responsible for the faithful
 39 execution of the laws of the Virgin Islands;
 40 (2) after obtaining a background investigation on the candidate and with
 41 the advice and consent of a majority of the Senate, appoint all executive

1 department heads. Any nomination not acted upon by the Senate within
2 60 working days after the receipt of the nomination shall be deemed to
3 have received the advice and consent of the Senate;

4 (3) report, no later than the 31st of January of each year, to the Senate on
5 the state of the Territory and, may at any time, recommend bills or other
6 measures for actions by the Senate. Within six months of taking office,
7 the Governor shall present a plan to the Senate that outlines his goals for
8 the Territory;

9 (4) prepare and submit to the Senate, at a time prescribed by law, a
10 balanced budget for the ensuing fiscal year. The budget shall state the
11 estimated funds available for appropriation and the estimated receipts,
12 expenditures, and obligations for every department, agency, and
13 government instrumentality. The budget shall also be summarized per
14 District. The budget shall state the public debt and contingent liabilities
15 and shall include biennial projections and other information as may be
16 required by law; and

17 (5) have the power to issue executive orders consistent with the law.

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19 (b) Except in cases of impeachment, the Governor shall have the power to
20 grant reprieves, commutations and pardons. Each exercise of this power
21 shall be reported to the Senate, to the public and if practicable to the
22 victim or victim's immediate family.

23 (c) In the event of a natural disaster, invasion, or insurrection, or imminent
24 danger thereof, the Governor may call out the militia or, when the public
25 safety requires, proclaim martial law. Upon such proclamation, the
26 Senate shall meet forthwith and may, upon the affirmative vote of two-
27 thirds (2/3) of its members, revoke the proclamation of martial law then
28 or at any other time. During an emergency, the Governor may order the
29 executive branch to be moved temporarily.

30 (d) The Governor shall execute such other functions, powers, and duties of
31 the executive branch offices, agencies, and instrumentalities as may be
32 provided by law.

33 **Section 5 Powers and Duties of the Lieutenant Governor**

34 The Lieutenant Governor shall have custody of the seal of the Virgin Islands, shall
35 countersign and affix the seal to official documents, record and preserve the laws of the
36 Virgin Islands, and have additional such other duties as may be assigned by the Governor
37 or provided by law.

38 **Section 6 Official Residences**

39 The official residence of the Governor and Lieutenant Governor shall be in the Virgin
40 Islands. The Governor and Lieutenant Governor, at the expense of the government, shall
41 be provided appropriate housing and utilities in properties owned by the Government at
42 the time of their initial election.

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- 1 (1) have resided in the Virgin Islands at least five (5) years next
2 preceding his election;
- 3 (2) be at least thirty five (35) years old;
- 4 (3) be licensed to practice law in the U.S. Virgin Islands; and
- 5 (4) have other qualifications as provided by law.
- 6 (b) The Attorney General shall prosecute all criminal violations of the laws
7 of the Virgin Islands; prosecute and defend all other legal matters in the
8 name of the people of the Virgin Islands, provide legal advice to the
9 government, and have other duties and responsibilities as provided by
10 law.

11 **Section 11** **Inspector General**

- 12 (a) There shall be an Inspector General, who shall be appointed by the
13 Governor with the advice and consent of the Senate, who shall serve a
14 term of six years and at the time of the appointment must:
- 15 (1) be an elector of the U.S. Virgin Islands;
- 16 (2) have resided in the Virgin Islands at least five (5) years preceding his
17 election;
- 18 (3) be at least thirty five (35) years old when elected; and
- 19 (4) have other qualifications as provided by law.
- 20 (b) The Inspector General shall have such duties as prescribed by law.
- 21 (c) The Inspector General shall report the findings of any audit or
22 investigation to the Governor, Senate and the public.

23 **ARTICLE VII THE JUDICIAL BRANCH**

24 **Section 1** **Judicial Power**

25 The judicial power of the Virgin Islands shall be vested in the Supreme Court of the
26 Virgin Islands, and in such lower courts as may be created by law.

27 **Section 2** **Supreme Court**

28 The Supreme Court shall be the highest court of the Virgin Islands. It shall consist of a
29 chief justice and no fewer than two associate justices. It shall have appellate jurisdiction
30 over all cases arising under this Constitution and laws of the Virgin Islands, and shall also
31 have original jurisdiction to issue all writs necessary to the proper exercise of its
32 jurisdiction, and such other appellate and original jurisdiction as may be provided by law.
33 Decisions of the Supreme Court on questions arising under this Constitution and the laws
34 of the Virgin Islands shall be final, except as Federal law may provide for review of such
35 decisions by courts of the United States.

36 **Section 3** **Rulemaking Power**

37 The Supreme Court of the Virgin Islands shall adopt rules consistent with this
38 Constitution, the U.S. Constitution, federal laws, with respect to judicial matters in the
39 courts of the Virgin Islands, including temporary disability, civil and criminal procedure,
40 judicial ethics, and admission to, governance of and expulsion from the practice of law.
41 Lower courts shall adopt rules for those courts, to the extent consistent with this
42 Constitution, the U.S. Constitution and federal laws.

- 1 (4) Two members appointed by the Supreme Court of the Virgin Islands,
 2 who shall be current or former judges or justices in a court of record in
 3 the Virgin Islands; and
- 4 (5) Two members appointed by the Superior Court of the Virgin Islands
 5 and who shall be current or former judges or justices in a court of record
 6 in the Virgin Islands.
- 7 (c) The Commission shall choose annually, from among its members a
 8 Chairperson and such other officers as it may deem necessary and may
 9 adopt such rules of procedure consistent with this Article as may be
 10 necessary to govern the business of the committee;
- 11 (d) Vacancies on the Commission shall be filled for the remaining unexpired
 12 term, in the same manner in which the original appointment was made.
- 13 (e) Members of the Commission shall not be compensated for their service
 14 on the Commission.
- 15 (f) The Chairperson and any other officers of the Judicial Commission shall
 16 be chosen annually, from among its members.
- 17 (g) Meetings of the Commission may be called by the Chairperson or by a
 18 majority of the members after a ten (10) day written notice to
 19 Commission members. The Commission meetings may be closed to the
 20 public.

21 **Section 7** **Judicial Appointments**

22 The Governor shall fill a vacancy in the judiciary by appointing one of the three persons
 23 nominated by the Judicial Commission.

24 **Section 8** **Terms**

25 The regular term of a justice of the Supreme Court shall be twelve (12) years. The regular
 26 term of a judge of the Superior Court shall be ten (10) years. The regular term of any
 27 other judge shall be set in the enabling law.

28 **Section 9** **Compensation**

29 The salary and allowances of a justice or judge shall be recommended by the
 30 Compensation Commission and may not be decreased during his or her tenure.

31 **Section 10** **Restrictions on Activities**

32 No person who holds a judicial or magistrate office shall be employed, hold any other
 33 paid office, engage in a trade or in the practice of law. Any justice, judge or magistrate
 34 who files or announces his or her candidacy for elective office shall immediately forfeit and
 35 vacate the judicial office.

36 **ARTICLE VIII LOCAL GOVERNMENT**

37 **Section 1** **Political Subdivisions; Creation, Powers**

38 The Senate shall create three political subdivisions embodying St. John, St. Croix and St.
 39 Thomas, and provide for the framework for the government thereof. The Senate shall not
 40 create a political subdivision within any of the islands, except with the approval of the
 41 majority of the electors voting on the question on the island, which is to be subdivided.
 42 Each political subdivision shall have and exercise such powers as shall be conferred by
 43 law.

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(d) The Virgin Islands Fund for Education shall, to the greatest extent possible, be guaranteed an annual budget of not less than thirty percent (30%) of the general revenues of the territory, designated only for the support of the objectives stated in these provisions, that shall not be reprogrammed.

Section 3 Virgin Islands Board of Education

(a) A Board of Education for the Virgin Islands shall be established by law and shall operate under the following terms:

(1) Members. The Board shall consist of fourteen (14) members. The members shall be the persons who have been elected to the two District Boards of Education.

(2) Terms. Members of the Boards shall be elected for terms of four (4) years. The terms of office shall be staggered.

(3) St. Croix and St. Thomas/St. John Districts. (a) There shall be: two electoral districts (1) St. Croix and (2) St. Thomas/St. John; and (b) each district shall elect seven (7) members to the Board, provided that one board member elected from the district of St. Thomas/St. John shall be domiciled in St. John regardless of the definition of districts.

(4) Chairman and Vice Chairman. The members of the Virgin Islands Board shall elect a Chairman and a Vice-Chairman from among its number at the first meeting after each election.

(5) Vacancy. When a vacancy occurs on the Virgin Islands Board, the Chairman of the Board shall name a replacement from the next person in line with the highest number of votes, within thirty (30) days of the vacancy. The person named shall serve for the remainder of the term.

(b) The Virgin Islands Board of Education shall have the following powers and duties:

(1) Function as the State Board of Education with all the responsibilities and duties required by the United States Department of Education;

(2) Be responsible for the policy, management and operation of the education system;

(3) Hire a Superintendent for each district who shall administer the policies of the Board;

(4) Hire a Director of Human Resources, a Director of Curriculum and Instruction, and a Director of Capital Projects;

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- (b) The District Boards of Education shall have the following powers and duties:
 - (1) Each District shall hire a Director of Budget and Management, a Director of Maintenance, and a Director of Nutrition and Food Service.
 - (2) Any other such powers or duties established by law.

Section 5 Commission on Civics

- (a) A Commission on Civics for the Virgin Islands shall be established by law.
- (b) The Commission shall have the following powers and duties:
 - (1) Develop and coordinate programs in collaboration with schools to educate students in the importance of governance and democracy and citizen involvement in a representative democracy;
 - (2) Any other such powers or duties established by law.
- (c) The Commission shall remain effective for a period of five (5) years after establishment.
- (d) The members of the commission shall elect a chairman, vice chairman, and such other officers as it shall determine;
- (e) A member of the commission shall serve without compensation for his services, but may receive a per diem and be reimbursed for reasonable and necessary travel and other expenses actually incurred on business of the commission;
- (f) The commission shall hold meetings at least every quarter upon the call of the chairman or the majority of the members. The initial meeting of the commission shall be called by the president of the Virgin Islands Senate;
- (g) Staff and facilities needed by the commission to accomplish its purposes shall be provided by the Virgin Islands Senate from its existing resources.

ARTICLE X YOUTH

Section 1 Minimum Age of Employment

The Senate shall establish laws and regulations to govern the employment of children in the Virgin Islands including a minimum age required for employment.

Section 2 Free Tuition For Higher Education

Graduates with four (4) years residency, from a Virgin Islands secondary public school may be eligible for free tuition for higher education if the student:

- 1 (a) Applies within a number of years of graduation from secondary
- 2 school specified by law, is admitted and attends a Virgin Islands public
- 3 institution of higher education;
- 4
- 5 (b) Pursues an associate or bachelor degree in a degree field that has
- 6 been determined to be of need by the Virgin Islands Department of
- 7 Personnel;
- 8
- 9 (c) Becomes an employee of the government in the area of need for
- 10 double the years of study following the graduation from the institution of
- 11 higher education as established by law; or the tuition shall be owed, and
- 12 repayment shall commence six (6) months after graduation and paid in
- 13 full after four (4) years;
- 14
- 15 (d) A Graduate who does not complete a degree shall begin repayment of
- 16 the tuition six (6) months after terminating pursuit of the degree; and
- 17
- 18 (e) Any other such requirements established by law.

19

20 **ARTICLE XI TAXATION, FINANCE AND COMMERCE**

21 **Section 1 Power to Tax**

22 The Senate shall have the exclusive power to tax and may apportion revenues among the

23 political subdivisions.

24 **Section 2 Tax Review Commission**

25 There shall be a tax review commission, which shall be appointed as provided by law on

26 or before July 1, 2011, and every five (5) years thereafter. The Commission shall submit

27 to the Senate (a) an evaluation of the tax structure and (b) recommend policy for revenue

28 and taxes. The Commission shall dissolve upon the delivery of the report. The Senate

29 shall not make changes to the tax code until it has received the evaluation of the

30 Commission.

31 **Section 3 Taxpayers' Bill of Rights**

32 By law the Senate shall prescribe and adopt a Taxpayers' Bill of Rights in clear and

33 concise language that defines taxpayers' rights and fair treatment of taxpayers.

34

35

36 **Section 4 Local Government Taxation and Finance**

37 The power to tax shall be reserved to the Senate. A political subdivision may petition the

38 Senate to impose a tax for the benefit of the local government.

39 **Section 5 Real Property Tax**

40 The Senate by law may provide for the levy and collection of taxes on real property in

41 accord with the following:

- 42 (a) The value of real property shall be assessed at the time of purchase and
- 43 remain fixed for the period of ownership;
- 44 (b) Real property transferred to a descendant shall not be reassessed;

- 1 (c) Improvements shall be assessed when built and added to the original
2 assessment without otherwise affecting the original assessment;
- 3 (d) Real property tax shall be levied on the basis of fair market value as
4 specified by law;
- 5 (e) Real property shall be divided into one or more classes, with all real
6 property in the same class subject to the same millage rate;
- 7 (f) Real property millage rates shall be set by the tax review commission and
8 approved by the Senate; and
- 9 (g) No Real Property tax shall be assessed on the primary residence or
10 undeveloped land of an Ancestral Native Virgin Islander.

11 **Section 6 Tax Ceiling**

12 It is hereby established that the total amount of taxes which may be imposed by the
13 Senate in any fiscal year on the taxpayers shall be limited as recommended by the tax
14 review commission and approved by the Senate.

15 **Section 7 Disposition of Excess Revenues**

16 The Government shall provide a refund to taxpayers when the general fund fiscal year
17 balance for two successive years exceeds five percent (5%) of the general fund revenues.

18 **Section 8 General Fund Expenditure Ceiling**

19 Notwithstanding any other provision to the contrary, the Senate shall establish a general
20 fund expenditure ceiling which shall limit the rate of growth of general fund
21 appropriations, excluding federal funds received by the general fund, to the estimated rate
22 of growth of the territory's economy as provided by law. No appropriations in excess of
23 such ceiling shall be authorized during any legislative session unless the Senate shall, by
24 a two-thirds (2/3) vote of the members, set forth the dollar amount and the rate by which
25 the ceiling will be exceeded and the reasons therefor.

26 **Section 9 Public Debt Limitation**

27 The Senate shall provide the method, restrictions and the authorization for the issuance
28 of public debt through bonds or other obligations to be issued on behalf of the
29 Government either for (a) a public improvement or public undertaking or (b) other
30 purposes in the public interest for economic development. Such bonds or obligations
31 shall be payable solely from revenues directly derived from and attributable to such
32 public improvement, public undertaking, or other project. The Senate may obligate bonds
33 as a general obligation of the Government.

34 **Section 10 Accounting for Public Moneys**

35 The Senate shall provide by law for the annual accounting of all public moneys, and may
36 provide by law for interim accounting. The Department of Finance shall issue this report
37 (within one year) after the close of each fiscal year. The report shall be compliant with
38 the requirements of law.

39
40 **Section 11 Limitation on Corporate Tax Incentives**

41 Notwithstanding any other provision to the contrary, the Senate shall impose a cap on any
42 tax incentives or other economic benefit provided to a corporation or other business
43 entity as follows:

1 (a) No business shall enjoy a tax exemption or any other economic incentive for
2 more than twenty-five (25) years; and

3 (b) No such benefit shall be renewable despite any change in corporate status to
4 include but not be limited to a name change, merger or change in ownership.

5 **ARTICLE XII ECONOMIC DEVELOPMENT**

6 **Section 1 Economic Development Opportunities**

7 The Government shall provide for the economic development of the Virgin Islands that
8 promotes economic opportunity through technology, use of natural resources and other
9 methods for the benefit of all citizens, especially for unemployed and disadvantaged
10 persons; and encourage growth in areas experiencing insufficient economic growth. The
11 Government shall set forth by law a plan to (a) reduce the Virgin Islands dependence on
12 imports, (b) increase the development of local business and industries, and (c) create
13 economic opportunities. The Government shall establish laws to govern the employment
14 of children under the age of fifteen.

15 **Section 2 Preservation of Natural Resources**

16 The Government shall have the power to manage, control and develop the natural and
17 marine resources comprising of submerged lands, inlets and cays; to reserve to itself all
18 such rights to internal waters between the individual islands, claim sovereignty over its
19 inter-island waters to the effect that territorial waters shall extend 12 nautical miles from
20 each island coast up to international boundaries. This is an alienable right of the people of
21 the Virgin Islands of the U.S. and shall be safeguarded.

22 **Section 3 Energy Efficiency**

23 The Government shall enable legislation to stimulate, encourage, promote and assist in
24 the development of renewable and alternative energy resources, and the efficient use of
25 energy.

26 **Section 4 Use of Technology**

27 The Government shall provide “state of the art” technology for use in government,
28 economic development, education, health and welfare of the people of the Virgin Islands.

29 **Article XIII PUBLIC HEALTH, SAFETY AND WELFARE**

30 **Section 1 Health, Safety and Welfare of Citizens**

31 The Government shall provide for the health, safety and welfare of the Virgin Islands and
32 its residents and provide for:

33 (a) The victims of crimes to have the opportunity to be heard, in a fair and
34 dignified manner, during the prosecution of the crime in which they were
35 a victim, as provided by law;

36 (b) The protection of the residents, properties and ports within its borders;

37 (c) A health system that provides its residents with healthcare and a clean
38 environment;

39 (d) The protection and welfare of its children, elderly, unemployed and
40 disabled without regard to of race, color, sex, gender, sexual orientation,
41 place of birth, socio-economic class, origin, political religious belief, age
42 or disability; and

- 1 (e) The mitigation of any disasters and provision of assistance to the victims
2 of disasters.

3 **ARTICLE XIV CULTURE**

4 **Section 1 Cultural Development**

5 The Government shall provide for the protection, promotion and preservation of the
6 culture, music, traditions, customs and intellectual property of the Virgin Islands. The
7 Government may enact development legislative measures designed to protect or assist
8 cultural tradition bearers, or persons disadvantaged by discrimination.

9 **Section 2 Virgin Islands Cultural Heritage Institute**

10 (a) The Virgin Island Cultural Heritage Institute shall be charged with the
11 protection, preservation and study of African and Caribbean history,
12 culture, arts, and traditions; and all other people of the Virgin Islands
13 who have contributed to the history of the Virgin Islands. The Institute
14 shall:

15 (1) make recommendation to the Senate on the manner by which the
16 Government shall preserve and protect the history, culture, arts,
17 traditions, artifacts and intellectual property of the Virgin Islands;

18 (2) have voice in the consideration of land use elements and
19 development of land that may substantially affect any history, culture,
20 artifact or other traditions of the people of the Virgin Islands; and

21 (3) in conjunction with the Board of Education recommend a curriculum
22 for the study of African and Caribbean history, culture, arts and
23 traditions; and all other people of the Virgin Islands who have
24 contributed significantly to the history of the Virgin Islands.

25 (b) No law shall be passed that abridges the preservation and development of
26 the Virgin Islands' culture, language, history, traditions or customs.

27 (c) The government may take action to protect citizens who are the cultural
28 tradition bearers of the Virgin Islands from discrimination and adverse
29 action that affects the culture and traditions of the Virgin Islands.

30 **ARTICLE XV PROTECTION OF ENVIRONMENT**

31 **Section 1 Agriculture/Mariculture Authority**

32 The Government shall establish an Agriculture/Mariculture Authority for the following
33 purposes: (a) for acquiring lands for agricultural purposes, (b) for the development of the
34 marine science industry, (c) for scientific research and development and production, (d)
35 for redistribution by lease to the people of the Virgin Islands for agricultural or
36 homestead purposes, and (e) for other related public purposes as provided by law.

37 **Section 2 Environmental Protection**

38 There shall be established the Land, Air and Water Preservation Commission, that shall
39 develop a comprehensive plan for the preservation and enjoyment of land, air, water,
40 spiritual and medicinal plants, animals and other natural resources. The Commission shall
41 further provide for the enjoyment of the Virgin Islands' natural beauty, cultural, economic
42 viability of the natural resources and the quality of life of the people of the Virgin
43 Islands.

1 (a) Elected public officials of the Virgin Islands may be recalled by the electors. A recall
2 petition shall identify the official to be recalled by name and office, and be signed by at
3 least thirty percent (30%) of the number of votes cast for that office. The petition shall
4 state the reasons for recall and be filled or concluded within sixty (60) days of its
5 initiation.

6
7 (b) A special recall election shall be held within sixty (60) days of the filing of the recall
8 petition. An official shall be recalled upon the affirmative vote of two-thirds (2/3) of
9 those voting on the question.

10
11 (c) A recall petition may not be filed during the first year of the first term of office of
12 an elected official, less than three (3) months before a general election, nor more than
13 once a year except for cause.

14
15 **ARTICLE XVII POLITICAL STATUS ADVISORY COMMISSION**

16
17 **Section 1 Creation of the Political Status Advisory Commission**

18
19 (a) Within two years of the adoption of the Constitution, there shall be created a
20 Political Status Advisory Commission for the Virgin Islands.

21
22 (b) The Political Status Advisory Commission shall consist of eleven (11) members
23 who are Ancestral Native and/or Native Virgin Islanders, two appointed by the
24 Governor and two appointed by the President of the Senate. The remaining
25 members shall be elected At-Large; provided that three shall be elected from
26 St. Croix, three from St. Thomas, and one from St. John. The members must
27 registered voters, shall be a domiciliary of the Virgin Islands for a minimum of
28 five years, and have demonstrated expertise in political status development of
29 United States and other territories. The term of office shall be three years. The
30 resources and remuneration shall be prescribed by law.

31
32 **Section 2 Special Election**

33
34 (a) The Senate shall provide for a special election to be held after a year of
35 Public Education on the status and federal relations options of: (1) statehood,
36 (2) free association, and (3) Independence.

37
38 (b) The special election on status shall be reserved for vote by Ancestral Native and
39 Native Virgin Islanders only, whether residing within or outside the territory.

40
41 **Section 3 Duties of the Political Status Advisory Commission**

42 The Political Status Advisory Commission shall have the following duties:

43 (a) Summarize the reports of the first Virgin Islands Status Commission,
44 the Select Committee of the Senate on Status and Federal Relations,
45 and the Commission on Status and Federal Relations;

46
47 (b) Publish analyses, discussion papers, information papers and other
48 relevant reports on matters related to the political and constitutional
49 evolution of the Virgin Islands;

- 1 (c) Promote through an ongoing public education program a heightened
2 understanding and awareness of the relevant political status options
3 available to the territory;
4
5 (d) Make recommendations to the Governor and Senate on methods
6 to achieve a full measure of self-government; and
7
8 (e) Exercise such other functions as may be prescribed by law.

9 **ARTICLE XVIII CONSTITUTIONAL AMENDMENT**

10 **Section 1 Proposal of Amendments**

11 Amendments to this Constitution shall maintain the principles of a republican form of
12 government and may be proposed by initiative, a constitutional convention, or the Senate.

13 **Section 2 General Constitutional Convention**

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

19 (b) An initiative petition may submit to the electors of the Virgin Islands the question,
20 "Shall there be a constitutional convention to propose amendments to the Constitution?"
21 The petition shall be signed by at least fifteen percent (15%) of the electors of each
22 legislative district of the Virgin Islands or by twenty-five percent (25%) of the qualified
23 electors of the Virgin Islands. The question shall be submitted to the electors at the first
24 regular election held not less than ninety (90) days after filing of the initiative petition.

25 (c) If a majority of those voting on the question of a constitutional convention favors
26 holding such a convention, the Senate shall convene a convention within one hundred and
27 twenty (120) days after approval of the petition.

28 (d) Delegates to a constitutional convention shall be elected on a nonpartisan ballot as
29 provided by law. A constitutional convention may propose an amendment to the
30 Constitution only upon the affirmative vote of two-thirds (2/3) of its members.

31 **Section 3 Legislative Proposal**

32 The Senate may propose an amendment to this Constitution upon the affirmative vote of
33 two-thirds (2/3) of its members.

34 **Section 4 Initiative**

35 The people may propose an amendment to this Constitution by initiative. An initiative
36 petition shall contain the full text of the proposed amendment and shall be signed by
37 fifteen percent (15%) of the electors of each legislative district of the Virgin Islands or by
38 twenty-five percent (25%) of the electors of the Virgin Islands.

39 **Section 5 Limited Constitutional Conventions**

40 A constitutional amendment proposed by the Senate or by initiative may provide, in
41 accordance with its terms, for direct ratification by the electors of the Virgin Islands or
42 for the convening of a constitutional convention limited to the issues raised by the
43 proposed amendment. If a majority of those voting on the question of a limited
44 constitutional convention favors holding such convention, the Senate shall convene a
45 limited constitutional convention within one hundred and twenty (120) days, subject to

1 the same restrictions on membership and adoption of any proposed amendment as those
2 imposed on a general constitutional convention.

3 **Section 6 Constitutional Review Commission**

4 Within five (5) years after the effective date of this Constitution and at least once every
5 ten (10) years thereafter, a constitutional review commission shall be established by law.
6 The commission shall, within one hundred and twenty (120) days of its establishment,
7 make a public report to the Senate with its proposals, if any, for revision of the
8 Constitution. Members of the commission shall be qualified electors of the Virgin
9 Islands.

10 **Section 7 Ratification of Amendments**

11 Each proposed amendment to this Constitution shall be submitted to the electors of the
12 Virgin Islands for ratification at the first regular general election or at a special election
13 called by the Senate. Ancestral and Native Virgin Islanders, including those who reside
14 outside of the Virgin Islands or in the military, shall have the opportunity to vote on
15 Constitutional Amendments. A proposed amendment shall take effect in accordance with
16 its terms upon the affirmative vote of a majority of those voting on the amendment.
17

18 **ARTICLE XIX TRANSITION**

19
20 **Section 1 Transitional Schedule Ratification and Effective Date of the**
21 **Constitution**

22 This Constitution, as finally approved or modified by the Congress of the United States
23 under Section 5 of Public Law 94-584 (October 12, 1976), shall be submitted to the
24 electors of the Virgin Islands and shall be ratified upon the affirmative vote of a majority
25 of those voting on the question. The Constitution shall take effect one hundred and
26 twenty days (120) after ratification, except as provided in Sections 2 and 5 of this
27 Transitional Schedule.

28 **Section 2 Elections**

29 Except as otherwise specifically set forth within any other provision of this Constitution,
30 all elected officials shall be elected in accordance with this Constitution at the first
31 general election after the effective date of this Constitution.

32 **Section 3 Continuity of Laws**

33 Laws, executive orders, and regulations in force in the Virgin Islands on the effective
34 date of this Constitution that are consistent with this Constitution shall continue in force
35 until they expire, are amended, or repealed. Laws, executive orders, and regulations that
36 have been enacted or issued by the Senate of the Virgin Islands or by local executive
37 authorities, respectively that are inconsistent with this Constitution shall be void to the
38 extent of such inconsistency.

39 **Section 4 Continuity of Government Employment and Operations**

40 Employees of the Government of the Virgin Islands on the effective date of this
41 Constitution shall be employees of the constitutional government on the same terms and
42 conditions of employment as were in effect and enforceable previously, unless otherwise
43 provided by law. Employees of the Government of the Virgin Islands shall have the
44 same functions and duties after becoming employees of the constitutional government
45 unless otherwise provided by law.

46 **Section 5 Continuity of Judicial Matters**

1 The Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands
2 shall continue as the appellate court and the trial court of jurisdiction, respectively, in the
3 same manner as existed prior to the date of adoption of this Constitution until and unless
4 changed by law. The qualifications for justices and judges set forth in this Constitution
5 shall not be retroactively applied to any sitting justice or judge of the Supreme or
6 Superior Courts. All rules of the judicial system consistent with this Constitution and in
7 effect upon the adoption of this Constitution shall continue or may be modified or
8 terminated in the same manner as existed prior to the adoption of this Constitution until
9 and unless changed by law or by rule.

10 **Section 6 Prospective Operation of Rights**

11 All rights or obligations, procedural or substantive, created for the first time by this
12 Constitution shall be prospective and not retroactive.

13 **Section 7 Succession**

14 The constitutional government of the Virgin Islands shall succeed to all rights and
15 obligations of the Government of the Virgin Islands that existed prior to the effective date
16 of this Constitution. The validity of all public and private bonds, debts, and contracts,
17 and of all claims, actions, and causes of action shall continue as if no change had taken
18 place.

19 Signed and Witnessed as the approved and adopted by the Delegates to the Fifth
20 Constitutional Convention of the Virgin Islands on this ____ day of
21 _____, 2009.

22
23

Attested By:

Gerard Luz James II
President

Mary L. Moorhead,
Secretary

Date: _____

Date: _____

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