

**Editorial Notes**

## CODIFICATION

Section 20 of act July 22, 1954, was amended in its entirety by section 10 of Pub. L. 90-496, Aug. 23, 1968, 82 Stat. 841, which consolidated the text of said section 20 into a single unlettered paragraph, classified to section 1641 of this title. Prior to the 1968 amendment said section 20 was comprised of subsecs. (a) to (c). Subsec. (a) was classified to this section, and subsecs. (b) and (c) were classified to sections 1598 and 1641, respectively, of this title.

**§ 1593. Initiative and recall****(a) Grant of rights**

The people of the Virgin Islands shall have the rights of initiative and recall to be exercised as provided in subsection (b) and subsection (c), respectively.

**(b) Initiative**

(1) An initiative may enact, amend, or repeal any law, except that an initiative shall not be used to repeal a law declared by the legislature at the time of passage to be an emergency law necessary for the preservation of the public health, safety, or peace.

(2) An initiative that proposes a reduction of taxes shall also provide for an equivalent reduction of expenditures or an equivalent increase in revenues from other sources.

(3) An initiative shall address one subject only and matters reasonably related to that subject.

(4) The ballot question shall be in such form that a "yes" vote is a vote in favor of the proposal and a "no" vote is a vote against the proposal.

(5) A copy of the proposed initiative petition, including a complete text of the proposed law and containing signatures equal to at least 1 percent of the voters of each legislative district or 4 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections prior to circulation for ballot qualification. The Supervisor of Elections must determine within 10 days after the submission whether the preliminary signatures are sufficient. If so determined, the Supervisor of Elections shall refer the preliminary petition to an initiative titling board consisting of the Attorney General, the Supervisor of Elections, and the legislative counsel of the legislature. The board shall, in an open hearing, prepare the official ballot title, the submission question, and a summary of the initiative proposal, and this preparation shall be completed within 30 days after the referral.

(6) After the ballot title has been written, proponents of the initiative proposal shall have a maximum of 180 days to circulate the petition. Petitions containing signatures equal to at least 10 percent of the voters of each legislative district or 41 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections. The Supervisor shall have 15 days to determine that the minimum number of valid signatures are contained in the petition and he shall forward the certified proposal to the legislature which must accept or reject the measure within 30 days. If approved, the initiative shall take effect in accordance with its terms. If the legislature does not approve, the initiative shall be submitted to the voters at the next general

election, unless the legislature approves a special election for this purpose. The legislature may submit its own version of the initiative to the voters. Should both measures be approved by the voters, the measure receiving the higher number of votes shall prevail. The voters shall have a clear alternative of rejecting either version or the entire proposition.

(7) An initiative submitted to the voters shall take effect if the initiative is approved by a majority of persons voting and if a majority of the voters of the Virgin Islands vote on the initiative. An initiative may not be vetoed by the Governor, and when approved by the voters, may not be amended or repealed by the legislature during the 3-year period after its approval unless the legislature acts by a two-thirds majority.

(8) The legislature may provide the manner in which petitions shall be circulated, filed, certified, and the ballot question shall be submitted to the voters.

**(c) Recall**

(1) An elected public official of the Virgin Islands may be removed from office by a recall election carried out under this subsection. The grounds for recall are any of the following: lack of fitness, incompetence, neglect of duty, or corruption.

(2) A recall election may be initiated by a two-thirds vote of the members of the legislature or by a petition under this subsection.

(3) Prior to circulation a recall petition which identifies by name and office the official being recalled and which states the grounds for recall shall be submitted to the Supervisor of Elections. The sponsors of the recall petition shall be allowed a period of 60 days after such submission for filing with the Supervisor of Elections a list of signatures equal in number to at least 50 percent of the whole number of votes cast for that office in the last general election at which that office was filled. The Supervisor of Elections shall have 15 days in which to determine whether the minimum number of valid signatures are contained in the recall petition.

(4) A special recall election shall be held with respect to an elected public official not earlier than 30 days after a vote of the legislature under paragraph (2) or a determination of the board of elections under paragraph (3), as the case may be, and not later than 60 days after such vote or determination.

(5) An official shall be removed from office upon approval of the recall in an election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such recall election.

(6) No recall election shall be held with respect to an elected public official—

(A) during the first year of the first term of office of the official; or

(B) less than 3 months before a general election for the office.

**(d) "Law" and "voter" defined**

As used in this section, the term—

(1) "law" means a law of the Virgin Islands; and

(2) “voter” means a registered voter who is eligible to vote on the issue or for the office involved.

(July 22, 1954, ch. 558, §12, 68 Stat. 503; Pub. L. 90-496, §5, Aug. 23, 1968, 82 Stat. 838; Pub. L. 99-396, §1, Aug. 27, 1986, 100 Stat. 837.)

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##### AMENDMENTS

1986—Pub. L. 99-396 amended section generally, substituting provisions giving people of Virgin Islands the rights of initiative and recall and spelling out ways in which those rights are to be exercised for provisions which had formerly only set out a method for removal of Governor by referendum election.

1968—Pub. L. 90-496 substituted provisions authorizing the removal of the Governor from office by a recall referendum for provisions authorizing the appointment of a Government Secretary for the Virgin Islands, and provisions setting forth his powers and duties.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

#### § 1594. Repealed. Pub. L. 90-496, § 6, Aug. 23, 1968, 82 Stat. 839

Section, act July 22, 1954, ch. 558, §13, 68 Stat. 503, authorized the Governor to appoint an administrative assistant to reside in St. Croix and an administrative assistant to reside in St. John.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Pub. L. 90-496, §6, Aug. 23, 1968, 82 Stat. 839, provided in part that the repeal of this section is effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

#### § 1595. Vacancy in office of Governor or Lieutenant Governor

##### (a) Temporary disability or temporary absence of Governor

In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

##### (b) Permanent vacancy in office of Governor; Lieutenant Governor as Governor; term of office

In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

##### (c) Temporary disability or temporary absence of Lieutenant Governor; president of legislature as Lieutenant Governor

In case of the temporary disability or temporary absence of the Lieutenant Governor, or

during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

##### (d) Permanent vacancy in office of Lieutenant Governor; Governor to appoint new Lieutenant Governor with advice and consent of legislature; term of office

In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

##### (e) Temporary disability or temporary absence of Governor and Lieutenant Governor; appointment of Acting Governor; permanent vacancies in offices of Governor and Lieutenant Governor; appointment of Governor

In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of the Virgin Islands may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of the Virgin Islands.

##### (f) Additional compensation

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this chapter.

(July 22, 1954, ch. 558, §14, 68 Stat. 504; Pub. L. 90-496, §7(a), Aug. 23, 1968, 82 Stat. 839.)

#### Editorial Notes

##### AMENDMENTS

1968—Pub. L. 90-496 designated existing provisions as subsec. (a), substituted provisions that in case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor for provisions that in case of a vacancy in the office of Governor or the disability of the Governor or the temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor, and added subsecs. (b) to (f).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1968 AMENDMENT

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#### § 1596. Repealed. Pub. L. 104-186, title II, § 224(3), Aug. 20, 1996, 110 Stat. 1752

Section, act July 22, 1954, ch. 558, §15, as added May 27, 1975, Pub. L. 94-26, §2, 89 Stat. 94, related to clerk