May 31, 2009

The Honorable John P. de Jongh, Jr.
Governor
United States Virgin Islands
King Street
St. Croix, VI 00820

Re: Fifth Constitutional Convention
Transmittal of the Adopted Proposed Constitution of the United States Virgin Islands

Dear Governor de Jongh:

It is my pleasure to submit to you the Proposed Constitution of the United States Virgin Islands that was adopted by the Fifth Constitutional Convention by a two-thirds vote on May 26, 2009. I submit this document to you in accordance with the provisions of Public Law 94-584, section 4 and Act No. 6688 of the Legislature of the Virgin Islands of the United States as amended.

Sincerely yours,

Gerard Luz James II
President Fifth Constitutional Convention

cc: Legislature of the Virgin Islands of the United States
Fifth Constitutional Convention

encl

[Stamp: RECEIVED 2009-06-30, 11:46]
THE CONSTITUTION OF THE
VIRGIN ISLANDS OF THE UNITED STATES
FIFTH CONSTITUTIONAL CONVENTION

PREAMBLE

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

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

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

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

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

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

ARTICLE I  BILL OF RIGHTS

Section 1  Fundamental Rights

(a) The dignity of the human being is inviolable. No person shall be deprived of life, liberty or property without due process of law or be denied the equal protection of the laws. Legislative measures designed to protect or assist persons or categories of persons, disadvantaged by discrimination may be undertaken.
(b) No person shall be discriminated against on account of race, color, sex, gender, sexual orientation, place of birth, socio-economic class, origin, political religious belief, age or disability.

Section 2 Freedom of Religion, Speech, Press, 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 to assemble peaceably, or the right to petition the Government for the redress of grievances.

Section 3 Right of Privacy

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

Section 4 Right to Know

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

Section 5 Searches and Seizures

A person shall have the right, subject only to warrant, to be secure in their person, dwelling, papers, possessions and privacy, and such right shall not be abridged by unreasonable search and seizure. No warrant for arrest or search shall be issued except 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. Evidence obtained in violation of the rights of the accused shall not be admissible as affirmative evidence against the accused in a criminal trial.

Section 6 Rights of the Accused

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

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

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

(d) No person shall be twice put in jeopardy for the same offense or be compelled in any criminal case to be a witness against himself. The failure of an accused to testify shall not be taken into consideration or commented upon to the detriment of the accused.
(e) All civil rights may be restored to a person convicted of an offense upon the
completion of any sentence served and any period of probation or parole, subject to
reasonable limitation as may be proscribed by law.

Section 7  Rights of Victims

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

Section 8  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 9  No Imprisonment for Debt

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

Section 10  Habeas Corpus

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

Section 11  Labor

(a) All persons shall have the right to organize and bargain collectively, strike, picket,
and engage in other lawful concerted activities subject to reasonable limitations to protect
health, welfare, and safety.
(b) Public employees engaged in services essential to the public health or safety may
have the right to strike in accordance with law.
(c) All public and private employees shall have the right to equal pay for equal work:
provided, however, that the phrase equal pay for equal work shall not be construed as
requiring the equality of salaries, compensation, or benefits between public employees
doing substantially equal work represented by different labor organizations; and shall not
prohibit differentials based upon differences in experience, skills and seniority.
(d) All employees shall have the right to reasonable protection against injuries in work or
employment.
(e) 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.
(f) No employee or applicant shall be forced to waive any employment laws.

Section 12  Protection of Property

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

Section 13  Restrictions of Legislation

No ex post facto law, bill of attainder, or law impairing the obligation of contracts shall
be enacted.
Section 14  Quartering of Militia

No militia, in time of peace or in time of war, shall be quartered in any house without the
consent of the owner, except as provided by law.

Section 15  Trial by Jury

Trial by jury shall be preserved, but the trial of civil causes by a jury of not less than six
persons may be authorized by law.

Section 16  Right To a Healthful Environment

Every person has the right to a reasonably healthful environment and the enforcement of
the right as may be provided by law.

Section 17  Right Against Capital Punishment

A person shall not be subject to capital punishment.

Section 18  Marriage

Marriage is the legal union between man and woman.

Section 19  Protection of Children

Children shall be protected from harm, exploitation, neglect, abuse, maltreatment or
degradation and nurtured for their growth and development.

Section 20  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 Government shall
provide by law for the implementation and enforcement of this Article.

ARTICLE II  PRINCIPLES OF GOVERNMENT

Section 1  Form of Government

The Government of the Virgin Islands shall be republican in form and shall consist of
three (3) branches: Legislative, Executive and Judicial.

Section 2  Symbols of the Virgin Islands

An anthem, flag, seal, bird, flower, fish, and tree of the Virgin Islands, which shall
symbolize the history and culture of the people, shall be provided by law. Within one
year of the effective date of this Constitution, the Senate shall provide for the
implementation of this section by public referendum. Once established by law, the
anthem, flag, seal, bird, flower, fish and tree shall be incorporated and considered a part
of this Constitution.

Section 3  Capital of Government

The capital of the Virgin Islands shall be the City of Charlotte Amalie.

Section 4  Ethical Standards-Officers and Employees

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 5  Supreme Law of the Virgin Islands

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

ARTICLE III VIRGIN ISLANDER

VIRGIN ISLANDERS

Section 1  Ancestral Native Virgin Islander

An Ancestral Native Virgin Islander is:

(a) a person born or domiciled in the Virgin Islands prior to and including
June 28, 1932 and not a citizen of a foreign country pursuant to 8 U.S.C.
1406 in its pertinent part, and his/her descendants; and

(b) descendants of an Ancestral Native Virgin Islander residing outside of
the U.S., its territories and possessions between January 17, 1917 and
June 28, 1932, not subject to the jurisdiction of the U.S. and who are not
a citizens or a subjects of any foreign country.

Section 2  Native Virgin Islander

A Native Virgin Islander is:

(a) a person born in the Virgin Islands after June 28, 1932, and

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

ARTICLE IV  SUFFRAGE AND ELECTIONS

Section 1  Right to Vote

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

Section 2  Regular General Election

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

Section 3  Date of Taking Office

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

Section 4  Oath of 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, shall
be required as a qualification for public office.

5
Section 5  Compensation

Compensation for Certain Government Officials:

(a) Compensation for the Governor, Lieutenant Governor, Senators and members of the Judiciary shall be as recommended by the Compensation Commission.

(b) There shall be a Compensation Commission, which shall be appointed within one hundred eighty (180) days of the effective date of this Constitution and every eight (8) years thereafter, shall submit its recommendation to the Senate, the Chief Justice, and the Governor within one hundred twenty days (120) and then shall dissolve. It shall have seven members:

(1) five shall be appointed by the Governor four of which shall be appointed with the advice and consent of the Senate;
(2) one appointed by the President of the Senate; and
(3) one appointed by the Chief Justice of the Supreme Court.

(e) The recommended compensation shall not be amended, and shall become effective unless it is disapproved within thirty days of submission by (1) a two-thirds vote of the Senate or (2) the Governor.

(d) If the recommendation is disapproved, there shall not be any changes in compensation unless it is recommended by the next Compensation Commission that shall only be convened as provided herein.

(e) No law shall become effective increasing the compensation of Senators during the term of its enactment.

ARTICLE V  LEGISLATIVE BRANCH

Section 1  Legislative Power and Authority

The legislative power and authority of the Virgin Islands is vested in a unicameral body designated as the Senate of the Virgin Islands and shall extend to all subjects of legislation consistent with this Constitution and the Constitution and laws of the United States.

Section 2  Composition of the Senate

(a) The Senate shall consist of no less than eleven and no more than fifteen persons, as the number and districts may be determined by law, who shall be called Senators. The Senate shall consist of Senators who are elected At-Large and by Districts. One-half of the Senators elected At-Large shall be residents of the District of St. Croix, and one-half of the Senators elected At-Large shall be residents of the District of St. Thomas-St. John.

(1) Effective with the election of 2012, the Senate shall consist of fifteen Senators with: (a) six elected At-Large, three who are residents of St. Croix and three who are residents of either St. Thomas or St. John, elected in alternate years by the electors of all the Virgin Islands, (b) two elected from each of two sub-districts to be established on St. Croix, (c) two elected from each of two sub-districts to be established on St.
Thomas, and one elected from St. John. Senators shall be residents of the
sub-districts from which elected, and shall be elected by the electors of
that sub-district.

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

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

Section 3 Qualifications of Senators

A Senator shall be:

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

Section 4 Restriction of Activities

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

a) Until such time as Local Government is implemented, Senators shall
devote their full time to their duties and not (1) engage in any
employment, trade, or profession, and (2) not hold any other paid public
position unless authorized specifically by law.
b) Upon the implementation of Local Government the Compensation
Commission, established herein, shall adjust the compensation of
Senators commensurate with the required service.
c) Within one year of leaving the Senate, a Senator shall neither be
appointed to any salaried public position which was created by the
Senate during the previous term nor benefit from any compensation
which was increased by the Senate during the Senators last term of office
unless the salary change was recommended by the Compensation
Commission on Legislative, Executive and Judicial Salaries.

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

Section 6
Legislative Immunity
A Senator shall not be held to answer in any place 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 in the Senator’s travel to, from or during a session
of the Senate.

Section 7
Organization and Procedure
A majority of the Senate shall constitute a quorum. The Senate shall have all authority
inherent in a legislative assembly; shall be the judge of the qualifications of its members,
and shall have the power to institute and conduct investigations, issue subpoenas, and
administer oaths. The Senate, upon the vote of two-thirds (2/3) of its members, may
discipline any member for cause. The Senate shall maintain a daily journal of its
proceedings, which shall include a record of all votes taken and shall be published within
thirty (30) days and made available to the public upon request.

Section 8
Regular and Special Sessions
Sessions of the Senate:

(a) The first Regular sessions of each term of the Senate shall be held in the
capital of the Virgin Islands beginning on the second Monday in January.

(b) A special session of the Senate may be called by the Governor or by the
President of the Senate upon request by two-thirds (2/3) of its members.
Only the business specified in the call shall be considered at a special
session.

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

Section 9
Enactment of Laws
Senate shall have the authority to enact laws:

(a) A law may be enacted only by bill, and a bill shall not be enacted unless
it is circulated, read, and passed by a majority of the members present.
The full text of each bill or amendment must be read in its entirety at
least once during legislative consideration. This reading can only be
waived by a three quarters majority of all members present.

(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 days (Sundays
excepted) of presentation, it shall become law. If the Governor vetoes a
bill, it shall be returned to the Senate within ten days (Sundays excepted)
of its presentation with a statement of reasons for the veto. The Governor
may veto an item of an appropriation bill and sign the remainder of the
bill, in which event the vetoed item shall be returned to the Senate within
ten days (Sundays excepted) of its presentation with a statement of
reasons for the veto.

(c) A bill or section of an appropriation bill vetoed by the Governor may be
reconsidered by the Senate upon the motion of any Senator no later than
the end of the next legislative session and shall become law as originally
passed upon a vote of two-thirds of the Senate.

(d) The Senate shall pass a balanced budget. The Senate is authorized to
consider and pass biennial budgets.

(e) All senatorial documents, including draft bill proposals, shall be open
public records subject to the open records act of the Virgin Islands.

Section 10

Impeachment

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

ARTICLE VI EXECUTIVE BRANCH

EXECUTIVE POWER AND AUTHORITY

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

Section 1

Composition; Officers Enumerated

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

Section 2

Election of Executive Officers

The Governor and Lieutenant Governor shall be elected jointly by the electors of the
Virgin Islands 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.

Section 3

Qualifications for Governor and Lieutenant Governor

The Governor and Lieutenant Governor each shall:

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

Section 4

Powers and Duties of the Governor

(a) The Governor shall:

(1) exercise full authority over the executive branch except as otherwise
provided by this Constitution and shall be responsible for the faithful
execution of the laws of the Virgin Islands;

(2) after obtaining a background investigation on the candidate and with
the advice and consent of a majority of the Senate, appoint all executive
department heads. Any nomination not acted upon by the Senate within
60 working days after the receipt of the nomination shall be deemed to
have received the advice and consent of the Senate;

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

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

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

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

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

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

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, record and preserve the laws of the
Virgin Islands, and have additional such other duties as may be assigned by the Governor
or provided by law.

Section 6  Official Residences

The official residence of the Governor and Lieutenant Governor shall be in the Virgin
Islands. The Governor and Lieutenant Governor, at the expense of the government, shall
be provided appropriate housing and utilities in properties owned by the Government at
the time of their initial election.
Section 7

Restrictions on Activities

The Governor and Lieutenant Governor shall devote full time to their duties and not engage in any employment, trade, or profession, or (2) not hold any other paid public position unless specifically authorized by law.

Section 8

Order of Succession

In the case of the temporary or permanent disability of the Governor or Lieutenant Governor, the position shall be replaced in the following order of succession to the office, the Lieutenant Governor, the President of the Senate, Vice-President of the Senate, and such other public official of the Virgin Islands as may be designated by law.

Section 9

Disability and Permanent Vacancy of Elected Officials

(a) The Governor or Lieutenant Governor shall declare a disability to discharge the duties of office by transmitting to the Senate a written declaration of disability. 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 order of succession shall be the President of the Senate, Vice-President of the Senate, and such other public official of the Virgin Islands as may be designated by law. The Governor or Lieutenant Governor shall resume office upon submitting a written declaration of termination of the disability.

(b) Upon the affirmative vote of two-thirds (2/3) of its members, the Senate may raise the question of the temporary or permanent disability of any elected official. The Supreme Court of the Virgin Islands shall determine all questions raised by the Senate or otherwise raised, as provided by law, with respect to the temporary or permanent disability of any elected official.

(c) If the Supreme Court declares a vacancy in an executive branch office due to permanent disability then the vacancies in the following offices shall be filled as follows:

(1) Governor or Lieutenant Governor - the order of succession shall be followed.

(2) Attorney General or Inspector General - if the remaining term is less than one year, the Governor, within sixty (60) days of the determination, with the advice and consent of the Senate, shall appoint a new Attorney General or Inspector General to fill the remaining term. If the remaining term is more than one year, it shall be filled by a special election to be held within sixty (60) days of the declaration of the disability.

(d) In the event of a permanent disability of any of elected official not yet installed then the office shall be declared vacant and the vacancy shall be filled by a special election to be held within sixty (60) days of the declaration of the disability.

Section 10

Attorney General

(a) There shall be an Attorney General, who shall be appointed by the Governor with the advice and consent of the Senate, and at the time of the appointment must:
(1) have resided in the Virgin Islands at least five (5) years next preceding his election;

(2) be at least thirty five (35) years old;

(3) be licensed to practice law in the U.S. Virgin Islands; and

(4) have other qualifications as provided by law.

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

Section 11  Inspector General

(a) There shall be an Inspector General, who shall be appointed by the Governor with the advice and consent of the Senate, who shall serve a term of six years and at the time of the appointment must:

(1) be an elector of the U.S. Virgin Islands;

(2) have resided in the Virgin Islands at least five (5) years preceding his election;

(3) be at least thirty five (35) years old when elected; and

(4) have other qualifications as provided by law.

(b) The Inspector General shall have such duties as prescribed by law.

(c) The Inspector General shall report the findings of any audit or investigation to the Governor, Senate and the public.

ARTICLE VII THE JUDICIAL BRANCH

Section 1  Judicial Power

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

Section 2  Supreme Court

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

Section 3  Rulemaking Power

The Supreme Court of the Virgin Islands shall adopt rules consistent with this Constitution, the U.S. Constitution, federal laws, with respect to judicial matters in the courts of the Virgin Islands, including temporary disability, civil and criminal procedure, judicial ethics, and admission to, governance of and expulsion from the practice of law. Lower courts shall adopt rules for those courts, to the extent consistent with this Constitution, the U.S. Constitution and federal laws.
Section 4  
Administration  
The Chief Justice of the Supreme Court of the Virgin Islands shall be responsible for the  
administration of the Supreme Court of the Virgin Islands. The Presiding judge of the  
Superior Court shall be responsible for the administration of the Superior Court of the  
Virgin Islands.

Section 5  
Qualifications  
Justices of the Supreme Court and a Judges of a lower court shall:

(a) be a citizen of the United States and of the Virgin Islands;
(b) be domiciled in the Virgin Islands for not less than ten (10) years  
immediately preceding his or her appointment;
(c) for appointment to the Supreme Court of the Virgin Islands, have  
practiced and been duly licensed to practice law, or have served as a  
judge in the Virgin Islands, for not less than ten (10) years immediately  
preceding his or her appointment; or (2) for appointment to any lower  
court, have practiced and been duly licensed to practice law, or have  
served as a magistrate, for not less than five (5) years immediately  
preceding his or her appointment.

Section 6  
Judicial Commission  
There shall be a Judicial Commission whose terms shall be as provided by law. All  
justices and judges shall be appointed by the Governor with the advice and consent of the  
Senate, but no person shall be appointed as a justice or judge who has not been  
nominated by the Judicial Commission.

(a) The Judicial Commission shall:

(1) Nominate Justices and Judges: Within sixty (60) days of any judicial  
vacancy, the Commission shall present to the Governor, for each  
vacancy, a list of three persons qualified to fill the vacancy. No person  
may be listed to fill more than one open vacancy.
(2) Remove, Censure or Discipline Justices and Judges: The Commission  
shall have the power to discipline, censure, suspend, remove or retire for  
disability any justice or judge of any court for misconduct, malfeasance,  
misfeasance, a crime of moral turpitude, disability or for a violation of a  
criminal law. Any decision made pursuant to this subsection by the  
judicial commission shall be appealable in a manner as provided by law.

(b) Composition: The Commission shall have nine members and composed  
as follows:

(1) Two members appointed by the Governor of the Virgin Islands, one  
of whom shall not be a lawyer;
(2) Two members appointed by the Senate, only one of whom shall be a  
lawyer;
(3) One member appointed by the Board of Governors of the Virgin  
Islands Bar Association, who shall have been engaged in the practice of  
law in the Virgin Islands for at least five (5) successive years preceding  
his or her appointment;
(4) Two members appointed by the Supreme Court of the Virgin Islands, who shall be current or former judges or justices in a court of record in the Virgin Islands; and

(5) Two members appointed by the Superior Court of the Virgin Islands and who shall be current or former judges or justices in a court of record in the Virgin Islands.

(c) The Commission shall choose annually, from among its members a Chairperson and such other officers as it may deem necessary and may adopt such rules of procedure consistent with this Article as may be necessary to govern the business of the committee;

(d) Vacancies on the Commission shall be filled for the remaining unexpired term, in the same manner in which the original appointment was made.

(e) Members of the Commission shall not be compensated for their service on the Commission.

(f) The Chairperson and any other officers of the Judicial Commission shall be chosen annually, from among its members.

(g) Meetings of the Commission may be called by the Chairperson or by a majority of the members after a ten (10) day written notice to Commission members. The Commission meetings may be closed to the public.

Section 7 Judicial Appointments

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

Section 8 Terms

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

Section 9 Compensation

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

Section 10 Restrictions on Activities

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

ARTICLE VIII LOCAL GOVERNMENT

Section 1 Political Subdivisions; Creation, Powers

The Senate shall create three political subdivisions embodying St. John, St. Croix and St. Thomas, and provide for the framework for the government thereof. The Senate shall not create a political subdivision within any of the islands, except with the approval of the majority of the electors voting on the question on the island, which is to be subdivided. Each political subdivision shall have and exercise such powers as shall be conferred by law.
Section 2

Local Government

Each political subdivision shall have the power to adopt its own framework for local
government within such limits and under such procedures as may be provided by law.
The framework for local government shall be created by a commission composed of
members elected from said subdivision established by law. The Senate shall provide for
the election of commissions within one year of ratification of this Constitution.

Section 3

Mandates, Accrued Claims

No law shall be passed mandating any political subdivision to pay any claim accrued
prior to the establishment of the local government.

Section 4

General Laws

The legislative power of the Senate shall always be superior to any legislative authority
that may be granted to any local government.

ARTICLE IX  EDUCATION

Educational Philosophy

It is the goal of the Virgin Islands to provide its citizens with a free, high-quality, public
education system that does not discriminate against any citizen, preserves the African
history, culture and traditions of the people of the Virgin Islands, and prepares its citizens
to compete globally.

Section 1

Public Education System

(a) The government shall provide for a free, high-quality, public education
system that includes early childhood, elementary, middle, secondary,
career and technical higher education.

(b) The early childhood, elementary, middle education and secondary
education shall be compulsory and shall begin at the earliest age when a
child has the mental and physical capacity for classroom learning.

(c) The system shall maintain state of the art technology and up-to-date
textbooks in the classrooms.

(d) The system shall maintain the smallest class size possible to ensure that
each student receives a high-quality education, but in any case, the class
size shall not have more than 20.

Section 2

Funding

(a) The Virgin Islands Senate shall provide the funding necessary to obtain
and maintain a free, high-quality, public education system.

(b) The Virgin Islands Senate shall establish and maintain the Virgin Islands
Fund for Education.

(c) The fund shall be supported by appropriations and allotments from the
General Fund which shall include at least fifty percent (50%) of all
earnings derived from legal and illegal games of chance in the territory.
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;
(5) Ensure that classroom size shall, to the greatest extent possible, be no
greater than the median size ratios of public school systems of high
quality by the year 2012;

(6) Ensure that African and Caribbean history, the culture and history of
the Virgin Islands and its original people are included in the curriculum
of study.

(7) Set the school calendar for all public schools in the territory;

(8) Act as the Virgin Islands Board of Technical and Career Education;

(9) Certify all educational professionals and schools, public and non-
public, in the territory to ensure that a high-quality education is provided;

(10) Have oversight of the Territorial Scholarship Program;

(11) Shall present an annual report to the Virgin Islands Senate on the
state of the Education System of the Virgin Islands by August 1st of each
year;

(12) Require the compulsory teaching of African and Caribbean history,
culture and vocational education in schools from elementary to twelfth
grade.

(13) Any other such powers or duties established by law.

Section 4  District Boards of Education

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

(1) Districts. There shall be two District Boards: one for the island of
St. Croix, and one for the islands of St. Thomas/St. John.

(2) Members. Each of the District Boards shall have seven (7) members
elected by the citizens of each of the electoral districts of the Virgin
Islands.

(3) St. Thomas/St. John District. The St. Thomas/St. John District must
have at least one (1) member who is a resident of St. John.

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

(5) Vacancy. When a vacancy occurs on the District Board, the
Chairman of the District Board shall name a replacement from the
next person in line with the highest number of votes in the district,
within thirty (30) days of the vacancy. The person named shall serve
for the remainder of the term.
(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:
(a) Applies within a number of years of graduation from secondary
school specified by law, is admitted and attends a Virgin Islands public
institution of higher education;

(b) Pursues an associate or bachelor degree in a degree field that has
been determined to be of need by the Virgin Islands Department of
Personnel;

(c) Becomes an employee of the government in the area of need for
double the years of study following the graduation from the institution of
higher education as established by law; or the tuition shall be owed, and
repayment shall commence six (6) months after graduation and paid in
full after four (4) years;

(d) A Graduate who does not complete a degree shall begin repayment of
the tuition six (6) months after terminating pursuit of the degree; and

(e) Any other such requirements established by law.

ARTICLE XI   TAXATION, FINANCE AND COMMERCE

Section 1   Power to Tax
The Senate shall have the exclusive power to tax and may apportion revenues among the
political subdivisions.

Section 2   Tax Review Commission
There shall be a tax review commission, which shall be appointed as provided by law on
or before July 1, 2011, and every five (5) years thereafter. The Commission shall submit
to the Senate (a) an evaluation of the tax structure and (b) recommend policy for revenue
and taxes. The Commission shall dissolve upon the delivery of the report. The Senate
shall not make changes to the tax code until it has received the evaluation of the
Commission.

Section 3   Taxpayers' Bill of Rights
By law the Senate shall prescribe and adopt a Taxpayers' Bill of Rights in clear and
concise language that defines taxpayers' rights and fair treatment of taxpayers.

Section 4   Local Government Taxation and Finance
The power to tax shall be reserved to the Senate. A political subdivision may petition the
Senate to impose a tax for the benefit of the local government.

Section 5   Real Property Tax
The Senate by law may provide for the levy and collection of taxes on real property in
accord with the following:

(a) The value of real property shall be assessed at the time of purchase and
remain fixed for the period of ownership;

(b) Real property transferred to a descendant shall not be reassessed;
(c) Improvements shall be assessed when built and added to the original assessment without otherwise affecting the original assessment;
(d) Real property tax shall be levied on the basis of fair market value as specified by law;
(e) Real property shall be divided into one or more classes, with all real property in the same class subject to the same millage rate;
(f) Real property millage rates shall be set by the tax review commission and approved by the Senate; and
(g) No Real Property tax shall be assessed on the primary residence or undeveloped land of an Ancestral Native Virgin Islander.

Section 6

Tax Ceiling

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

Section 7

Disposition of Excess Revenues

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

Section 8

General Fund Expenditure Ceiling

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

Section 9

Public Debt Limitation

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

Section 10

Accounting for Public Moneys

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

Section 11

Limitation on Corporate Tax Incentives

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

20
(a) No business shall enjoy a tax exemption or any other economic incentive for more than twenty-five (25) years; and
(b) No such benefit shall be renewable despite any change in corporate status to include but not be limited to a name change, merger or change in ownership.

ARTICLE XII  ECONOMIC DEVELOPMENT

Section 1  Economic Development Opportunities
The Government shall provide for the economic development of the Virgin Islands that promotes economic opportunity through technology, use of natural resources and other methods for the benefit of all citizens, especially for unemployed and disadvantaged persons; and encourage growth in areas experiencing insufficient economic growth. The Government shall set forth by law a plan to (a) reduce the Virgin Islands dependence on imports, (b) increase the development of local business and industries, and (c) create economic opportunities. The Government shall establish laws to govern the employment of children under the age of fifteen.

Section 2  Preservation of Natural Resources
The Government shall have the power to manage, control and develop the natural and marine resources comprising of submerged lands, inlets and cays; to reserve to itself all such rights to internal waters between the individual islands, claim sovereignty over its inter-island waters to the effect that territorial waters shall extend 12 nautical miles from each island coast up to international boundaries. This is an alienable right of the people of the Virgin Islands of the U.S. and shall be safeguarded.

Section 3  Energy Efficiency
The Government shall enable legislation to stimulate, encourage, promote and assist in the development of renewable and alternative energy resources, and the efficient use of energy.

Section 4  Use of Technology
The Government shall provide “state of the art” technology for use in government, economic development, education, health and welfare of the people of the Virgin Islands.

Article XIII  PUBLIC HEALTH, SAFETY AND WELFARE

Section 1  Health, Safety and Welfare of Citizens
The Government shall provide for the health, safety and welfare of the Virgin Islands and its residents and provide for:

(a) The victims of crimes to have the opportunity to be heard, in a fair and dignified manner, during the prosecution of the crime in which they were a victim, as provided by law;
(b) The protection of the residents, properties and ports within its borders;
(c) A health system that provides its residents with healthcare and a clean environment;
(d) The protection and welfare of its children, elderly, unemployed and disabled without regard to of race, color, sex, gender, sexual orientation, place of birth, socio-economic class, origin, political religious belief, age or disability; and
(e) The mitigation of any disasters and provision of assistance to the victims of disasters.

ARTICLE XIV CULTURE

Section 1

Cultural Development

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

Section 2

Virgin Islands Cultural Heritage Institute

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

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

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

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

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

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

ARTICLE XV PROTECTION OF ENVIRONMENT

Section 1

Agriculture/Mariculture Authority

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

Section 2

Environmental Protection

There shall be established the Land, Air and Water Preservation Commission, that shall develop a comprehensive plan for the preservation and enjoyment of land, air, water, spiritual and medicinal plants, animals and other natural resources. The Commission shall further provide for the enjoyment of the Virgin Islands’ natural beauty, cultural, economic viability of the natural resources and the quality of life of the people of the Virgin Islands.
Section 3  Open Beaches

All beaches and shorelines of the Virgin Islands, including cays and inlets, shall be public and open to public access. Where access to a beach or shoreline is not available, the government shall, to the greatest extent possible, provide public access from a public road in perpetuity. All rights of the property owner shall be protected, and no law shall be enacted to disenfranchise a property owner of the lawful use of the property.

Section 4  Submerged, Filled and Reclaimed Lands

Submerged lands, filled and reclaimed lands in the Virgin Islands are public lands belonging collectively to the people of the Virgin Islands, and shall not be sold nor transferred. The Virgin Islands of the United States cannot be sold nor transferred.

ARTICLE XVI  INITIATIVES, REFERENDUMS AND RECALLS

All political power is inherent in the people, who reserve the power to propose, adopt, or reject laws, and also the power to adopt or reject any act or section of any act passed by the Senate. Initiatives and referendums are the power of the electors to propose the enactment, amendment, or repeal laws of the Virgin Islands, except public exigency laws and laws involving operating expenses.

Section 1  Initiatives

(a) An initiative shall be instituted by a petition containing the full text of the proposal, and be signed by at least ten percent (10%) of the electors who voted in the last gubernatorial election within each legislative district or by twelve percent (12%) of the electors of the Virgin Islands. The petition once started must be filled or concluded within one hundred and eighty (180) days.

(b) The initiative shall be filed with the Supreme Court who shall review it for legal sufficiency within sixty (60) days. Upon the approval for legal sufficiency or if the Supreme Court fails to act within sixty (60) days, the initiative shall be submitted to the Senate. If adopted by the Senate within thirty (30) days of the filing of the petition, the proposal contained in the petition shall take effect in accordance with its terms. If the Senate fails to act within thirty (30) days, or votes against the initiative, the proposal shall be submitted to the Supervisor of Elections for vote in the next general election or at a special election held before the next general election.

(c) An initiative or referendum shall take effect upon the affirmative vote of a majority of the electors of the Virgin Islands voting on the question. An initiative or referendum adopted by the people shall not be vetoed by the Governor, and shall not be amended or repealed by the Senate in office when the petition was filed.

Section 2  Referendums

The Senate may submit to the Supervisor of Elections for vote by the electors, a proposition for enactment into law upon a majority vote of the electors voting on the proposition. The proposition shall be written in a clear and concise manner and in a form required by law. Upon approval, the proposition shall become law and shall not be amended by the Senate or vetoed by the Governor. All referendums shall be binding.

Section 3  Recalls

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

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

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

ARTICLE XVII  POLITICAL STATUS ADVISORY COMMISSION

Section 1  Creation of the Political Status Advisory Commission

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

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

Section 2  Special Election

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

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

Section 3  Duties of the Political Status Advisory Commission

The Political Status Advisory Commission shall have the following duties:

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

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

(c) Promote through an ongoing public education program a heightened
understanding and awareness of the relevant political status options
available to the territory;

(d) Make recommendations to the Governor and Senate on methods
to achieve a full measure of self-government; and

(e) Exercise such other functions as may be prescribed by law.

ARTICLE XVIII 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 initiative, a constitutional convention, or the Senate.

Section 2 General Constitutional Convention

(a) The Senate, by the affirmative vote of two-thirds of its members, may submit to the
electors 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 to the Senate to the electors 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 electors 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 fifteen percent (15%) of the electors of each
legislative district of the Virgin Islands or by twenty-five percent (25%) of the qualified
electors of the Virgin Islands. The question shall be submitted to the electors at the first
regular election held not less than ninety (90) days after 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 within one hundred and
twenty (120) days after approval of the petition.

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

Section 3 Legislative Proposal

The Senate may propose an amendment to this Constitution upon the affirmative vote of
two-thirds (2/3) 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 percent (15%) of the electors of each legislative district of the Virgin Islands or by
twenty-five percent (25%) of the electors of the Virgin Islands.

Section 5 Limited Constitutional Conventions

A constitutional amendment proposed by the Senate or by initiative may provide, in
accordance with its terms, for direct ratification by the electors 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 convention, the Senate shall convene a
limited constitutional convention within one hundred and twenty (120) days, subject to
the same restrictions on membership and adoption of any proposed amendment as those
imposed on a general constitutional convention.
Section 6 Constitutional Review Commission

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

Section 7 Ratification of Amendments

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

ARTICLE XIX TRANSITION

Section 1 Transitional Schedule 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 Public Law 94-584 (October 12, 1976), shall be submitted to the electors of the Virgin Islands and shall be ratified upon the affirmative vote of a majority of those voting on the question. The Constitution shall take effect one hundred and twenty days (120) after ratification, except as provided in Sections 2 and 5 of this Transitional Schedule.

Section 2 Elections

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

Section 3 Continuity of Laws

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, are amended, or repealed. Laws, executive orders, and regulations that have been enacted or issued by the Senate of the Virgin Islands or by local executive authorities, respectively that are inconsistent with this Constitution shall be void to the extent of such 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 in effect and enforceable previously, 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

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

Section 6

Prospective Operation of Rights

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

Section 7

Succession

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

Signed and Witnessed as the approved and adopted by the Delegates to the Fifth Constitutional Convention of the Virgin Islands on the 1st day of June, 2009.

Attested By:

Gerard L. James
President

Date: 1-1-09

Mary L. Moorhead
Secretary

Date: 1-1-09

Cherene Williams
Commission Number: N=119-07
Exp. Date: 5/3/2011