U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

ESVI does not define over-vote, because our DRE's do not allow such a voting action.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

ESVI has no formal definition of under-vote however when an elector does NOT vote for the full number of candidates allowed it is considered and under-vote. This would apply more in our case to absentee ballots.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Blank ballot is defined as a ballot or section of a ballot for which the elector provided no vote.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Void/Spoil ballots are ballots where the elector votes for more candidates than allowed, vote across party lines (when applicable), etc…
The Board of Elections is guided by previous law, Attorney General Opinions and previous Court cases to assess void/spoil ballots.

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Provisional ballot" means a special instrument upon which the voter's choices are recorded and which is subject to or dependent upon a post-election verification or confirmation of the voter's right to have voted on Election Day. Provisional ballots are defined according to the HAVA Act of 2002.

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

(1) "Absentee" means:
(a) any member of the Armed Forces of the United States or;
(b) any person registered and otherwise qualified to vote in elections in the United States Virgin Islands who is:
(i) a person or his spouse who is engaged in educational pursuits and who is residing either outside the Territory of the Virgin Islands or in an election district other than that in which he is registered; or
(ii) an officer or employee of the Government of the United States Virgin Islands or the Government of the United States assigned to official duties outside of the election district in which he is registered; or
(iii) the spouse of any member of the Armed Forces of the United States; or
(iv) any person who has not been out of the election district in which he is registered for more than 90 days prior to the date of the election for which absentee status is sought; or
(v) unable to appear personally at the polling place of the election district in which he is a qualified voter because of illness or physical disability, whether permanent or temporary, or because he will be or is a patient in a hospital,

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Act 7643 passed August 2014, established early voting in the Virgin Islands effective for the General Election November 2014

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The is no legal definition of an Active Voter, however an Active Voter is one that can legally participate in the election, through a formal registration process.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

There is no legal definition of an Inactive Voter. However we do have cancelled voters.

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not Applicable

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
No significant changes to the election laws or procedures have been enacted or adopted since the previous Federal election.	

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Virgin Islands voter registration database system is a top-down system is hosted on a single, central platform/mainframe and is generally maintained by the Territory with information supplied by the 2 local jurisdictions. (St. Croix and St. Thomas and St. John)

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not applicable

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

As described above the Election System of the Virgin Islands does not define votes as active or inactive. However, we do have a cancellation process as described in section B3.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Within 120 days after the general election held in the year 1998 and within 120 days after each general election thereafter, the Board of Elections shall cause all the district registers to be examined, and in the case of each elector who is not recorded as having voted at such election and the last general election prior to the same, the board shall send to such electors by mail, at his address appearing upon his registration card or wherever he is known to reside, a notice, setting forth that the records of the board indicate that he has not voted at the last two general elections and that his registration will be canceled at the expiration of thirty (30) days from the date of the notice unless he shall within that period, file with the board, either personally or by mail, a written request for reinstatement of his registration, setting forth his place of residence, and signed by him. At the expiration of the time specified in the notice, the board shall cancel the registration of such elector unless he has filed with the board a signed request for reinstatement of his registration as above provided. The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the board, or a board member, or the clerk, in the manner provided by this chapter. The name of any elector whose registration has been canceled shall be posted forthwith in three places; provided, that if the Supervisor of Elections determines that the district registers are incomplete as to one or more polling districts so that it does not appear with certainty whether or not an elector has been recorded as voting in two general elections as above provided, the requirement of this section and the duties imposed on the Board of Elections shall be waived as to electors residing within the polling district for which the district registers are incomplete.

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The voter registration database program has the capability to do information sharing electronically, presently it is only done with the Courts in the Virgin Islands, but we are the in the process of working with DMV and Social Security. A formal agreement is being worked out between the two agencies through the AMA.

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The National Change of Address (NCOA) is process as all other registrants. Our experience has been good, but very limited.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Every person who has been twice convicted by a court of competent jurisdiction of a felony or of a crime involving moral turpitude shall be debarred from voting for a period of 10 years.
Every person who has been convicted by a court of competent jurisdiction of a felony or of a crime involving moral turpitude shall be debarred from voting for a period of one year following the date of his discharge.
No inmate of a public or private institution for the insane and no person under the care of a guardian by reason of any mental incapacity shall be entitled to vote.
A felon does get automatically reinstated into the system once he has completed all requirements of conviction, (e.g. jail time, probation, parole and restitution). Additionally if and felon is pardon all voting rights are restored. Yes,

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Election System of the Virgin Islands utilizes the Internet to facilitate voter registration through education on our website www.vivote.gov.

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

At ESVI the votes are counted centrally by precincts on the night of Election through an electronic system. For absentee ballots, provisional ballots, write-in ballots and walk-in ballots they are counted centrally, through a manual counting process.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No, all information is processes centrally.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

They are added to AT-Poll results and reported as a single number when certified.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
All ballots are counted through the same tabulation process.	

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Reason required pursuant to Title 18 section 664 Virgin Islands Code (See Section A subsection (f).	

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Yes the VI allows for early voting. Early voting is allowed for a two week period. Anyone desiring to vote early are allowed and they don't need a reason to do so. Ballots are counted on Elections Day at the central location. Results are tabulated and reported on Elections Day.	

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

1. An individual's name is not in the district register.
2. Appear at the wrong voting poll without time to get to the correct poll.
3. Indicates that they DO NOT want to vote on the DRE.
4. There is no record of a current registration.
5. The electoral district is other than the specified location
6. Current registration reflects a party other than what it should be.

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Provisional ballots are counted in each of the two election districts by the District Boards of Elections. All ballots are reviewed as why a provisional ballot was used and a determination is made by the District Board.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Since we are utilizing new voting machines in the 2014 election cycle – DS 200 Tabulator and Automark the Joint Board implemented the policy for each District Board to conduct post-election audits within 60 days after certification. We utilized the sampling method by verifying the jump drive against the tape and ballots to ensure we are within the 1% variance. This report is shared with the public via media outlets.

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

There is no requirement in Territorial law for poll worker training; however the Boards of Elections has instituted training beginning in the 2014 election cycle.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The ESVI's DRE does not allow over-votes. Under-votes are not captured.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

1. US Passport
2. US Birth paper
3. Naturalization Certificate
4. Baptismal Certificate with place and date of birth
5. Military Discharge form (DD214)

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If you are a first time voter you must provide some form of voter identification.

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A self-affirmation is required.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A self-affirmation is required.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Identification can be required at the beginning of the registration process.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

a) Each candidate for nomination or election at a primary may appoint two watchers in each polling place in which such candidate is to be voted for.

b) Each political party or political body which has nominated candidates in accordance with this title, and each nominated independent candidate, may appoint three watchers at any general election for each polling place in which the candidates of such party or body, or such independent candidate, are to be voted for. Such watchers shall serve without expense to the territory.

(c) All watchers appointed under this section shall be qualified registered voters of the legislative district in which they are authorized to act. Only one watcher for each candidate at primaries, or for each political party or body or independent candidate at general elections, shall be allowed to remain in the polling place at any one time prior to the close of the polls, and all watchers in the room shall remain outside the enclosed space. After the close of the polls and while the ballots are being counted, all the watchers shall be permitted to be in the polling place outside the enclosed space. Each watcher shall be provided with a certificate from the district board of elections, stating his name and the name of the candidate, political party or body or independent nominee he represents. Watchers shall be required to show their certificates when requested to do so.

(d) Watchers allowed in the polling place under this section may keep a list of voters for use only in connection with the challenging of any person making application to vote. A watcher may be permanently ejected from the polling place or the polling grounds upon the determination by the judge of elections or, in his absence, by both of the election inspectors, that such watchers have violated any proscription under this title or is otherwise disrupting the election procedures.

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Military/Overseas Personnel:
1. Military voter information is accessible by the "Military/Overseas (MOVE)" button located within the "Voter Information" navigation menu.
2. On "Military/Overseas (MOVE)" page, applicants are instructed to create a "user account."
3. Military users must check the "Military" box at top of application and submit copy of Military ID.
4. On "Request Absentee Ballot" page, registered voters are instructed to create a "user account".
5. New user submits name and email address. An automatic email is generated stating that the account is pending.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Election System of the Virgin Islands is constantly review existing system.

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below