whether the minimum number of valid signatures are contained in the recall petition.

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

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

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

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

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

(d) "Law" and "voter" defined

As used in this section, the term—

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

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

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

AMENDMENTS

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

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

EFFECTIVE DATE OF 1968 AMENDMENT

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

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 Repealed.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

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

EFFECTIVE DATE OF REPEAL

Section 6 of Pub. L. 90–496 provided in part that the repeal of this section is effective on the date of enactment of Pub. L. 90–496, which was approved Aug. 23, 1968.

§ 1595. Vacancy in office of Governor or Lieutenant Governor

(a) Temporary disability or temporary absence of Governor

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

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

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

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

In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

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

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

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

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

(f) Additional compensation

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

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

AMENDMENTS

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

EFFECTIVE DATE OF 1968 AMENDMENT

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

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

Section, act July 22, 1954, ch. 558, § 15, as added May 27, 1975, Pub. L. 94–26, § 2, 89 Stat. 94, related to clerk hire allowance and reimbursement for transportation expenses of the Delegate from the Virgin Islands to the House of Representatives.

§ 1597. Reorganization of government

(a) Consolidation of departments, bureaus, etc.; popular election of school board members

The Governor shall, within one year after July 22, 1954, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department other than the department of law shall be designated as the commissioner thereof, and the commissioner of finance shall be bonded. The head of the department of law shall be known as the attorney general of the Virgin Islands. Members of school boards, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.

(b) Changes after examination from time to time

The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this chapter, as he determines are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of the Virgin Islands.

(c) Appointment of department heads; tenure; removal; powers and duties; appointments to boards, etc.

The heads of the executive departments created by this chapter shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature. The chairman and members of any board, authority, or commission established by the laws of the Virgin Islands shall, if the laws of the Virgin Islands hereafter provide, also be appointed by the Governor with the advice and consent of the legislature, if such board, authority, or commission has quasi-judicial functions: *Provided*, That no law of the Virgin Islands dealing with the chairmanship, membership, or chairmanship and membership of any such board, authority, or commission, and requiring an appointment or appointments to be made with the advice and consent of the legislature, shall relate to more than one such board, authority, or commission, nor shall it relate to any other legislative matter.

(July 22, 1954, ch. 558, § 16, 68 Stat. 504; Pub. L. 85–224, Aug. 30, 1957, 71 Stat. 510; Pub. L. 86–289, § 3, Sept. 16, 1959, 73 Stat. 569; Pub. L. 90–496, § 8(a), Aug. 23, 1968, 82 Stat. 839.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90–496 substituted provisions that members of school boards which have been duly organized by the government of the Virgin Islands be popularly elected for provisions that required the approval of the Secretary of the Interior for the establishment of any new department, agency, or other instrumentality by the Governor or the legislature, unless such department, agency, etc., was required by Federal law for participation in Federal programs.

1959—Subsec. (a). Pub. L. 86–289 provided that the head of the department of law should be known as the attorney general of the Virgin Islands.

1957—Subsec. (c). Pub. L. 85–224 provided for appointments to boards, authorities or commissions.

EFFECTIVE DATE OF 1968 AMENDMENT

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

§ 1598. Omitted

CODIFICATION

Section, act July 22, 1954, ch. 558, § 20(b), 68 Stat. 505, which related to compensation of the Government Secretary, department heads, and staffs of the Governor and Government Secretary, was superseded by section 10 of Pub. L. 90–496, Aug. 23, 1968, 82 Stat. 841, which amended section 1641 of this title. See Codification note set out under section 1641 of this title.

§ 1599. Transfer of functions from government comptroller for Virgin Islands to Inspector General, Department of the Interior

(a) Functions, powers, and duties transferred

The following functions, powers, and duties heretofore vested in the government comptroller for the Virgin Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of the Virgin Islands:

(1) The authority to audit all accounts pertaining to the revenue and receipts of the gov-