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V.I. District Court Rules in Favor of Republican Party, Strikes Down Several Elections Laws as Unconstitutional

Judge Molloy sides with Republican Parties in First Amendment lawsuit against V.I. Board of Elections

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Chief Judge of the V.I. District Court Robert Molloy has ruled in favor of the Republican National Committee and the Republican Party of the Virgin Islands, plaintiffs in a lawsuit against the V.I. Board of Elections and Elections Supervisor Caroline Fawkes over several of the territory's election laws.

Both the RNC and the VIGOP argued that the laws violated their First Amendment right to free assembly, and did not “further any compelling government interest.”

Interference by elections officials in what should be internal party matters, according to lawyers for the plaintiffs, have resulted in several difficulties encountered by the party, including lawsuits. The actions of the Elections System and Elections Supervisor Caroline Fawkes meant that “no officers from the VIGOP participated in the RNC’s 2016 organizational meeting,” plaintiffs said, arguing that the disruption to internal party procedures continued through 2018 and into 2020, when the RNC failed to seat “Republican Party officials from the Virgin Islands as part of the RNC itself during the 2020 presidential nomination process.” This resulted in “Republican voters in the Virgin Islands lacking representation on the RNC,” GOP lawyers contended

In defense of the laws, Elections officials claimed that “the challenged provisions do not impair Plaintiffs’ rights to associate; and if they did, any impairment would be insubstantial and reasonably related to a governmental interest.” Moreover, because no penalties are attached to violations of Title 18, the provisions should not be found unconstitutional, lawyers for the defense argued.

However, responding to a request for summary judgment from both plaintiffs and defendants, Judge Molloy disagreed with the Elections Systems attorneys and agreed with the Republicans that the United States Constitution does not allow a government entity "the right and authority to reject a political party's process used in selecting its party officers and candidates for public-office." Nor does it allow for a government official "the authority to designate the time and location of the organizational meeting of the first territorial committee of each party after a primary election."

Other clauses of the Virgin Islands Elections Code were also rendered void by virtue of their unconstitutionality, ruled Judge Molloy. The Elections System will no longer be able to dictate that party primaries are held on the first Saturday in August, for example. Nor will the makeup of the parties' territorial committees be subject to determination by the law.

Term limits, voting districts, and the number of elected members in the territorial committees will also no longer be subject to the approval of the territory’s electoral authorities.

After filing the lawsuit in August 2022, RNC Counsel Kyle Hupfer said that he was looking forward “to our day in court and putting an end to this charade once and for all.” That day came with Judge Molloy’s judgment on January 10.