

## V.I. Democratic Party Challenges Election Supervisor's Stance on Primary Elections

**Ashley Scotland argues against Election Supervisor's view, citing Judge Molloy's narrow ruling as a basis for continuing with scheduled primaries**

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The Democratic Party of the Virgin Islands says Election Supervisor Caroline Fawkes was incorrect in her opinion that a January ruling from the District Court of the Virgin Islands [bars the Election System](#) from holding party primaries in August.

Last Monday, Elections Supervisor Caroline Fawkes testified before the Senate Committee of the Whole that “no primary election can be conducted by the Office of the Supervisor unless the Legislature addresses the issue.” However on Saturday, during the quarterly meeting of the party’s Territorial Committee, an ad hoc committee presented a report on the issue which was discussed

in executive session.

Ultimately, the committee voted to adopt the report's findings and recommendations, which stipulates that a letter will be sent to the Board of Elections and the 35th Legislature outlining the Democratic Party's position. According to Ashley Scotland, chair of the ad hoc committee, the party's position is that the Election System of the Virgin Islands is in fact responsible for conducting the primary election on the first Saturday of August. "And conducting also means paying for it," he noted. "In compliance with Judge Molloy's ruling...we will certify the results of that election."

Questioned about the difference between their interpretation of the ruling and that of Ms. Fawkes, Mr. Scotland was careful to qualify the testimony that was presented to lawmakers last Monday. "First we have to separate the Supervisor of Elections' opinion from the Board of Elections," he said, noting that the Board had not yet received a formal legal opinion on the matter.

As Mr. Scotland went on to explain, District Court Chief Judge Robert Molloy's ruling was a narrow one. "It is important to note what the case does not say," he advised. "It does not say that the Board of Elections cannot conduct the primary elections of party officials or public officials. It just cannot certify or reject the process or results," he declared.

The court specifically "carved out" only one sentence of Article 18 Section 232 of the VI Code as being unconstitutional, leaving the first sentence intact, Mr. Scotland noted. That first sentence – "Party primary election shall be held in the Virgin Islands on the first Saturday of August, for the purpose of choosing candidates for nomination to public offices to be voted for at the ensuing general election" – preserves the Election System's responsibility for the conduct of the primary election, Mr. Scotland contended. "It is important to note that funding is available for the Board of Elections...to conduct the primary elections on August 3," he added, citing Ms. Fawkes's own testimony from last Monday.

This responsibility of the ESVI has been affirmed by the courts on at least two previous occasions, in 2016 and 2018. Rebutting the contention from some lawmakers and elections officials that central government should not be funding party primaries, Mr. Scotland argued that in most states across the country, both closed and open primaries are "paid for by the state governments."

During her testimony, Ms. Fawkes promised that her office would continue the primary election process "until we get to a deadline that we cannot [anymore]." ESVI is holding to [the May 21 deadline](#) for submission of nomination petitions and papers.