

## Elections Supervisor Takes Legal Action to Disqualify Congressional Candidate Ida Smith

**Caroline Fawkes filed a lawsuit against the Board of Elections and nine members, challenging their decision to place Ida Smith on the ballot despite her disqualification. The suit seeks to affirm the Supervisor's sole authority over candidate eligibility**

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**Elections Supervisor Caroline Fawkes. By. V.I. LEGISLATURE**

On Thursday, Elections Supervisor Caroline Fawkes filed a complaint in Superior Court, asking that Ida Smith's nomination petition for Delegate to Congress be disqualified.

After initially being disqualified by the Elections Supervisor due to deficiencies with her nomination paperwork, Ms. Smith appealed to the Board of Elections, saying that Ms. Fawkes had

incorrectly relied on prevailing local law, instead of the Constitution of the United States.

The question of whether or not Ms. Smith is eligible delayed the Board's ballot approval process, with members deciding to seek legal advice from the Office of the Attorney General before making a decision one way or another.

By way of a letter to the board, Senate-confirmed Attorney General nominee Gordon Rhea recommended that Ms. Smith be allowed onto the ballot, and Board of Elections members – in a contentious meeting – voted in early September to restore her candidacy in keeping with Mr. Rhea's recommendation. The board also voted to place Ms. Smith's name on the ballot after Ms. Fawkes said she would refuse to do so. “We'll go to court,” the Elections Supervisor vowed, and on Thursday she made good on that promise.

The lawsuit names as defendants the Board as well as the nine members who voted to place Ms. Smith on the ballot. It argues that “the BOE has attempted to turn the straightforward and mandatory procedure for a candidate's qualification into a nullity,” allowing a majority vote to “overrule, undermine, and remove the Supervisor of Elections’ authority to determine a candidate's qualifications for election or for nomination.”

That authority rests wholly and solely with the Elections Supervisor, attorneys for Ms. Fawkes argue, citing Title 18, Section 411 b) of the Virgin Islands Code. According to that section, “if the Supervisor determines that a candidate for election or nomination does not meet the qualifications established by law for the office, then he shall disqualify such candidate and delete the candidate's name from the ballot if the ballots have not been printed.”

As the lawsuit points out, there is no role outlined for the Board in qualifying or disqualifying candidates, or placing them on the ballot. Attorneys also cite other sections of the Code to argue that only the Supervisor of Elections is allowed to determine who appears on the ballot.

They also rely on Title 48 of the United States Code, Section 1713, which lays out the eligibility requirements for candidates for Delegate to Congress in Guam and the U.S. Virgin Islands.

Apart from disqualifying Ms. Smith's candidacy, Ms. Fawkes wants the court to declare that the Supervisor of Elections “has the sole authority to determine a candidate's qualifications as valid or invalid, pursuant to 18 VIC 411 b).” The lawsuit also asks the court to enjoin the nine named co-defendants from either determining a candidate’s qualification for the ballot, voting to add a candidate to the ballot, or adding a candidate to the ballot that has been disqualified by the Elections Supervisor.

The parties have not yet filed their responses to the suit. Early voting began this week, meaning that hundreds of Virgin Islanders have already cast ballots that include Ida Smith as a candidate for Delegate to Congress.