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Court Dismisses Lawsuit Filed by V.I. Supervisor of Elections Against Board of Elections

Supervisor of Elections lacked authority to sue the BOE without AG's enforcement, marking a decisive stance on government's internal disputes and upholding the principle that executive branch conflicts should not be brought before the judiciary

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

The V.I. Superior Court has dismissed a lawsuit filed by the Supervisor of Elections, Carolyn F. Fawkes, against the Board of Elections and its members, who voted to place candidate Ida Smith's name on the ballot.

V.I. Attorney General Gordon C. Rhea announced the dismissal on Wednesday, which was finalized on November 12 following a Memorandum Decision and Order issued by the court on November 8.

The court ruled that as a government employee, Ms. Fawkes did not have the independent authority to sue without explicit authorization, which she did not have in this case. Instead, any legal action of this nature would require enforcement authority from the Attorney General of the Virgin Islands. Furthermore, the court determined that Fawkes could not proceed with the lawsuit in her capacity as a taxpayer, stating that she had not demonstrated any injury affecting a "substantial right."

In its findings, the court underscored that when a lawsuit involves government officials in their official roles, the government itself is considered the real party in interest. The court's statement made this clear, noting, "a lawsuit by the Supervisor of Elections against the Board, both in their official capacities, is a suit by the Government against the Government."

The court also pointed out that Ms. Fawkes did not have the statutory authority to hire private counsel for this matter, further supporting the dismissal of her claim.

Mr. Rhea expressed approval of the court's decision, emphasizing the logic and practical implications of the ruling. "It would be absurd to allow the Government to sue itself," he remarked, adding that the separation of powers established in the Constitution prevents members of the executive branch from bringing internal disputes to the judiciary. Mr. Rhea commended Assistant Attorney General Christopher Timmons for his effective representation of the V.I. Department of Justice throughout the case.

This ruling brings an end to the legal proceedings initiated by Ms. Fawkes regarding the candidate's placement on the ballot, and it affirms the Attorney General's role as the primary enforcement authority in such disputes within the Virgin Islands government.