

The Virgin Islands Consortium

Democratic Party and Election Officials Move to Dismiss Lawsuit After Mediation Settlement

Both sides asked the court to dismiss the case after agreeing to a timeline for nomination review and ballot certification, though several Board of Elections members are now questioning whether the settlement was executed with proper authority.

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The lawsuit between the Democratic Party of the Virgin Islands and territorial election officials is now moving toward dismissal after both sides filed to end the case following a mediated settlement.

The agreement resolves the dispute over how candidates for the August 1 primary election will be reviewed and certified, while also laying out a specific timeline for actions the Election System of the Virgin Islands and the Democratic Party must complete in the coming weeks. At the same time, several Board of Elections members have raised objections to how the settlement was executed and have asked the court to clarify whether the agreement is valid.

The Democratic Party filed suit earlier this month, arguing that election officials were moving forward with the August 1 primary without implementing a plan the party adopted after a federal court struck down several Virgin Islands election laws as unconstitutional in 2024.

Ahead of a scheduled injunction hearing, the parties were ordered into mediation. That process resulted in a settlement agreement, which included a requirement that both sides ask the court to dismiss the lawsuit.

Those dismissal motions were filed on Monday. Attached to the filing was a copy of the settlement agreement, which was executed on April 23.

Under the agreement, ESVI must provide a list of people who submitted nomination packages by May 19. ESVI must then identify, by May 25, which of those individuals qualify for the offices they are seeking under statutory guidelines.

The next deadline falls on May 27, when the Democratic Party must provide ESVI with a list of Democrats certified by the party to “move on to the primary election ballot.”

Under the agreement, only those candidates who pass both the Democratic Party’s screening and vetting process and are also found statutorily eligible by the Supervisor of Elections and the Board of Elections will appear on the primary ballot.

The settlement also changes how nomination packet recipients will be handled this year. Under the agreement, ESVI will direct those who picked up nomination packets to their respective political parties for further information. In future election cycles, that information will be included directly in the ESVI nomination packet.

Even as the case moves toward dismissal, several members of the Board of Elections have formally challenged the way the agreement was executed.

Cleopatra Peter, Harriet Mercer, and Barbra LaRonde each filed affidavits stating that Board Chair Raymond Williams was never given authority to enter into the settlement agreement.

They also argued that the Supervisor of Elections does not have the authority to bind ESVI in a legal agreement. Ms. Mercer further contended that Caroline Fawkes’s decision to sign the mediation agreement both on behalf of ESVI and in her capacity as Elections Supervisor “is contested on procedural and legal grounds.”

The three board members have asked the court to clarify whether the settlement agreement is valid in light of their objections.

However, the attorney representing the Board in the case has already dismissed those concerns, describing them as “a matter of internal Board discussion” and “not the subject of any case or controversy that would require intervention by this Court.”

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