

The Virgin Islands Consortium

New Lawsuit Filed In Superior Court To Remove Basil Ottley From The Nov. 4 Ballot

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About 40 minutes before the Supreme Court handed down its October 24 ruling and opinion ordering the removal of Sen. Alicia "Chucky" Hansen from the November 4, 2014 ballot, attorneys in St. Thomas--who represent Virgin Islands citizen, Allen Haynes, Sr. in a lawsuit that seeks to disqualify Basil Ottley from running as the lieutenant governor candidate with Donna Christensen--filed a motion in the Superior Court to remove Ottley from the Nov. 4 ballot, as well.

Donnie King, one of the two attorneys representing Haynes, told the *VI Consortium* they had filed a preliminary and permanent injunction in the Superior Court on Friday seeking the removal of Ottley from the position of lieutenant governor candidate with Donna

Christensen on the basis that Ottley did not meet the necessary requirements, as mandated by Section 11 of the Revised Organic Act of the Virgin Islands, which requires that anyone seeking office must be a resident of the Virgin Islands for five years.

On Thursday, however, the District Court of the Virgin Islands in St. Thomas, presided over by Judge Curtis Gomez, dismissed the case, refusing to hear arguments because, according to Gomez, it would “confuse” the voters of the Virgin Islands and cause disruption to the election process if Ottley were to be found ineligible to run for office. It was also dismissed with prejudice, meaning the case could not be brought before the District Court again.

However, King said Gomez ruled that Haynes had no standing in federal court--not the local courts--hence the reason for the new filing. According to King, Haynes has said he is willing to go as far as necessary “to make sure the voices of the people of the Virgin Islands are heard.”

The Basil Ottley Back Story

King said in 2008, Ottley was working in the Virgin Islands Legislature, but resigned that year to take up a position at the Department of Interior on the mainland. That job required him to move to Washington, D.C. in order to work. King said Ottley resided in the District of Columbia for two years and filed taxes in Maryland, where he also received a driver’s license.

King further pointed out that Ottley would have had to give up his Virgin Islands driver’s license in order to receive one issued by the state of Maryland; however, because the Court would not allow Ottley to testify in his defense, it was unknown if indeed the lieutenant gubernatorial candidate gave up his Virgin Islands driver’s license.

Ottley has maintained he has never voted anywhere outside the Virgin Islands, no matter how frequent or how long he has been away. However, King says where a person votes is not a requirement of Section 11 of the Revised Organic Act; the issue at hand is that, King contends, Ottley filed taxes in the state of Maryland, which would deem him ineligible to run for political office in the U. S. Virgin Islands in 2014.

Ottley, in a [recent interview](#) with *VI Consortium*, said those who were challenging his eligibility to run for office were “grasping at straws.”

“People have said, ‘Oh, you were not here’ and all of that type of stuff, but what they keep missing is what establishes your bona fide residency in this situation, is where you vote. I think it’s title 3 Chapter 13, Section 201 — and I can get the Code wrong, but there’s a particular section of the VI Code that speaks to people who are employees of the Virgin Islands, or employees of the federal government who, because of their employment, they were required to leave. The Code says as long as these folks maintain their bona fide residency in the Virgin Islands by not voting in any other place, they are legally accepted as bona fide residents of the Virgin Islands,” Ottley said.

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The *VI Consortium* will continue to cover this story.

