

The Virgin Islands Consortium

General Election Certified In Both Districts; Fawkes Stands By Decision To Approve Rodriguez's Candidacy

Politics / **Published On November 23, 2016 12:47 PM /**

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Supervisor of Elections Caroline Fawkes

The territory's general election has been certified in both districts, Elections Supervisor Caroline Fawkes, above, confirmed to The Consortium on Tuesday.

That means Mr. Kenneth Gittens, [who The Consortium said would most likely lose his seat](#) because of daunting math following a close race with Senate President Neville James, will indeed be out of the Senate come January 9, 2017, when the new body, the

32nd, takes office. Mr. Gittens fell short just 91 votes behind Mr. James, settling for 8th place.

In St. Thomas, Dwayne DeGraff held on to the 7th position, while newcomer Kevin Rodriguez -- who is being challenged on claims of ineligibility based on residency -- took the 6th spot. Mr. Rodriguez is being challenged by St. Thomas resident Brigitte Berry, who works for the campaign Janelle Sarauw, contending that Mr. Rodriguez claimed in a bankruptcy filing in Tennessee to be a resident of the state, with his address listed as 4956 Indian Summer Drive in Nashville, Tenn. Ms. Sarauw told The Consortium this morning that she stands by Ms. Berry and her challenge against Mr. Rodriguez, stating that she had thought long and hard about it, but decided that they should move forward with the case.

The case was dismissed on July 25, but a section of a form related to the case that asks where one lived for the past three years -- the form involved specifically asking whether Mr. Rodriguez had lived anywhere else other than Tennessee for the past 3 years -- Mr. Rodriguez answered no.

Virgin Islands law requires that a candidate seeking a Senate seat must live in the territory for at least three years, according to Mrs. Fawkes. She said the requirement varies according to office, and jumps to five years for those seeking the the territory's highest office.

Asked about the complaint during a telephone interview on Tuesday, Mrs. Fawkes, who said she had vetted Mr. Rodriguez before allowing him on the ballot, said she stood by her decision, relying on Virgin Islands Code, Title 18.

"I don't have any change in my decision; we vetted [Mr. Rodriguez] based on Chapter 4, sub-sections 11 and 12 [of Title 18]. I have been made aware just as you have, and there is a process based on the code, so if you miss the five-day deadline to challenge anyone, then they have to take it legal," Mrs. Fawkes said.

That five-day window expired since May, 2016, she said. Mrs. Fawkes said the code does not explicitly say one must live in the territory three years consecutively (the code says three years preceding the election), as compared to persons seeking the governorship, who would have to be in the territory for five consecutive years. She said the reading of the code's meaning is based on one's interpretation, "so that's why an attorney will have to be the one" to decide, "or take it to court," Mrs. Fawkes added.

Again, Mrs. Fawkes said, VI Code Title 18, Chapter 4, sections 11 and 12 were the laws upon which she based her decision to approve Mr. Rodriguez. "Folks tend to confuse domicile and residency," she said, stressing that the case would wind up being a legal matter, and would rather refrain from commenting.