

The Virgin Islands Consortium

Op-Ed: Let Me Take My Seat

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This Op-Ed was submitted to The Consortium today by Kevin Rodriguez, who is battling to keep a Senate seat he won during the November 8, general elections. The views shared here are solely those of Mr. Rodriguez, and do not necessarily reflect the views of this publication.

Our democracy is under attack.

For the first time in the history of the Virgin Islands, a losing candidate is trying to overturn the results of a general election – after those results have been certified by the

Board of Elections. Trying to win a Senate seat by filing a lawsuit in court is not how democracy works. If a candidate has something meaningful to offer the People of the Virgin Islands, they must convince the voters – not the courts – to put them in the Legislature. A lawsuit can never be a substitute for a hard-earned victory at the polls. No amount of legal squabbling can change the fact that I came in 6th on November 8.

Now that the Members of the 32nd Legislature have taken their seats, it is up to them to resolve this issue. The Revised Organic Act (which serves as the de facto Constitution of the Virgin Islands) clearly provides that the Legislature – and the Legislature alone – “shall be the sole judge of the elections and qualifications of its members.”

That means that the fight to take the Senate seat that I won at the polls has moved from the courts to the Legislature. It is now time for the Legislature to do its duty and confirm my election as Senator. This should be the Legislature’s first order of business.

Once the Legislature reviews my case, I am confident that it will find – as the Board of Elections has consistently found – that I have met all of the qualifications to be a Senator of the Virgin Islands. Just yesterday, the Board re-affirmed its certification of my election as Senator. I am a “bona fide resident” of the Virgin Islands because I vote here, pay taxes here, own property here, and, most importantly, have always considered the Virgin Islands to be my home. I was born and raised here, and I intend to be buried here next to the bones of my ancestors. And when my residency was put to the test it was proven as a matter of fact in Court.

The Revised Organic Act does not require that a Senator be a “bona fide resident” for three “consecutive” years, as it does for the office of Governor. It simply requires that a member of the Legislature be a “bona fide resident” “for at least three years” before the date of his election. That means that a person who has lived in the Virgin Islands for at least three years and who has not renounced his VI residence by voting somewhere else, qualifies as a bona fide resident of the Virgin Islands. The Board of Elections adopted this view when it ruled that I meet all of the qualifications to be a Virgin Islands Senator.

This, in a nutshell, is the heart of the matter.

Thousands of Virgin Islanders live off-island, on the mainland or abroad. They go to school, serve in the military, raise families, buy homes, retire, and get medical care off-island, sometimes for many years. When they decide to return home to make a difference should they be excluded? The Virgin Islands is always consider their home.

They read VI newspapers and online websites; they come home for Carnival every chance they get. When they die, they are brought back home to be buried. Are they not “bona fide” residents of the Virgin Islands, even though they live off-island? Do they not have a right to get involved in Virgin Islands politics and have a say in how our Territory is run?

Our islands will never see real change if these “bona fide residents” of the Virgin Islands are locked out of the political process. We need them more than ever to help solve our problems. We do not have the luxury of leaving many of our best players on the sidelines.

We cannot afford to restrict entry into VI politics to the same small group who believe they know everything but have failed to solve anything. We need new ideas; a fresh outlook, a different perspective. The Virgin Islands desperately needs an infusion of new blood if it is to change, to grow, and to prosper.

This is what is at stake here. The issue raised by my fight to take my Senate seat is much bigger than any one candidate. It's about the future direction of the Virgin Islands. That's why I will continue to fight to be seated in the 32nd Legislature. I have no intention of walking away or giving up. There is too much at stake.

To the 4,134 voters that sent me to the Legislature, I want to assure you that this fight is not about me. It is about honoring your wishes and making sure that your voices are heard – as you made clear on November 8. That's the reason that I am asking the federal court to order the Senate President to seat me as soon as possible so I can work for you as Senator.

I may have been deprived of the privilege of having my children watch me take the oath of office on Monday. A sour loser should not be allowed to frustrate the will of the People. By law and by a vote of the People of the Virgin Islands, I am now a duly-elected Senator of the Virgin Islands, and my election has been certified and re-affirmed by the Board of Elections. Under federal law, my term began on Monday, even though I could not take part in the ceremony. And Virgin Islands law does not require me to participate in a ceremony before taking up my duties as Senator. I am prepared to take the oath of office before any judge, magistrate, administrative officer, or notary.

I am ready to begin working for the People of the Virgin Islands. Let me take my seat and be about the People's business.