

The Virgin Islands Consortium

Democratic Party Asks Board Of Elections To Delay Certification Of April 8 Special Election

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Ernice Gilbert **April 13, 2017**



Kevin Rodriguez

ST. THOMAS -- The Democratic Party of the Virgin Islands, St. Thomas District -- attempting to save the candidacy of Kevin Rodriguez -- has written to the St. Thomas Board of Elections asking it not to certify the April 8 special election results, which saw [Janelle Sarauw winning the contest](#), until the Third Circuit Court of Appeals issues a verdict on Mr. Rodriguez's appeal.

"It is in the best interest of the Board, as well as the people of the Virgin Islands, for the Board to delay any actions in furtherance of certification until such time as the Third Circuit Court of Appeals has ruled on Democratic Senator Kevin A. Rodriguez's appeal, or the 32nd Legislature decides to exercise its duty as promulgated by the Revised Organic Act to resolve this matter," reads the letter, made available to The Consortium late Wednesday.

The Party went on to state that it objects to the seating of any candidate who did not run in the primary election of 2016. "It is patently unfair that a seat which was won by means of a primary election should be subjected to competition by individuals who did not participate in the primary process," reads the letter. "In effect, this is a Democratic seat, and any attempt to seat a non-Democrat to a Democratic seat is a violation of the spirit of the elections laws and rules governing the selection of candidates.

"We are confident that if the V.I. Legislature had exercised its jurisdiction of the matter of Senator Kevin A. Rodriguez, the governor would not have felt compelled to call for a special election pursuant to the District Court's order, which is the subject of the appeal before the Third Circuit Court of Appeals. We support Democratic Senator Kevin Rodriguez's position that it is the Revised Organic Act that states specifically that the vacancy is determined by the Legislature, not the governor, and not the Court. That is why we have the separation of powers among the co-equal branches of government."

The Democratic Party's objection further complicates an already convoluted issue. Mr. Rodriguez lost his seat following revelation of residency issues -- a challenge brought by Ms. Sarauw and one of her campaign aides. But Mr. Rodriguez, [although barred from being seated in January by the Supreme Court of the Virgin Islands](#), has appealed his case all the way to the Third Circuit Court of Appeals. A ruling is still pending.

If the Board of Elections chooses not to certify the special election results until the Third Circuit rules, the matter could be on hold for a while (a Senate term is only two years). However, if the board decided to certify the election and the Third Circuit Court of Appeals rules in Mr. Rodriguez's favor, the never-ending saga would be given a new lease on life -- and may wind up yielding the same results: a 15th Senate seat unoccupied because of endless court battles.