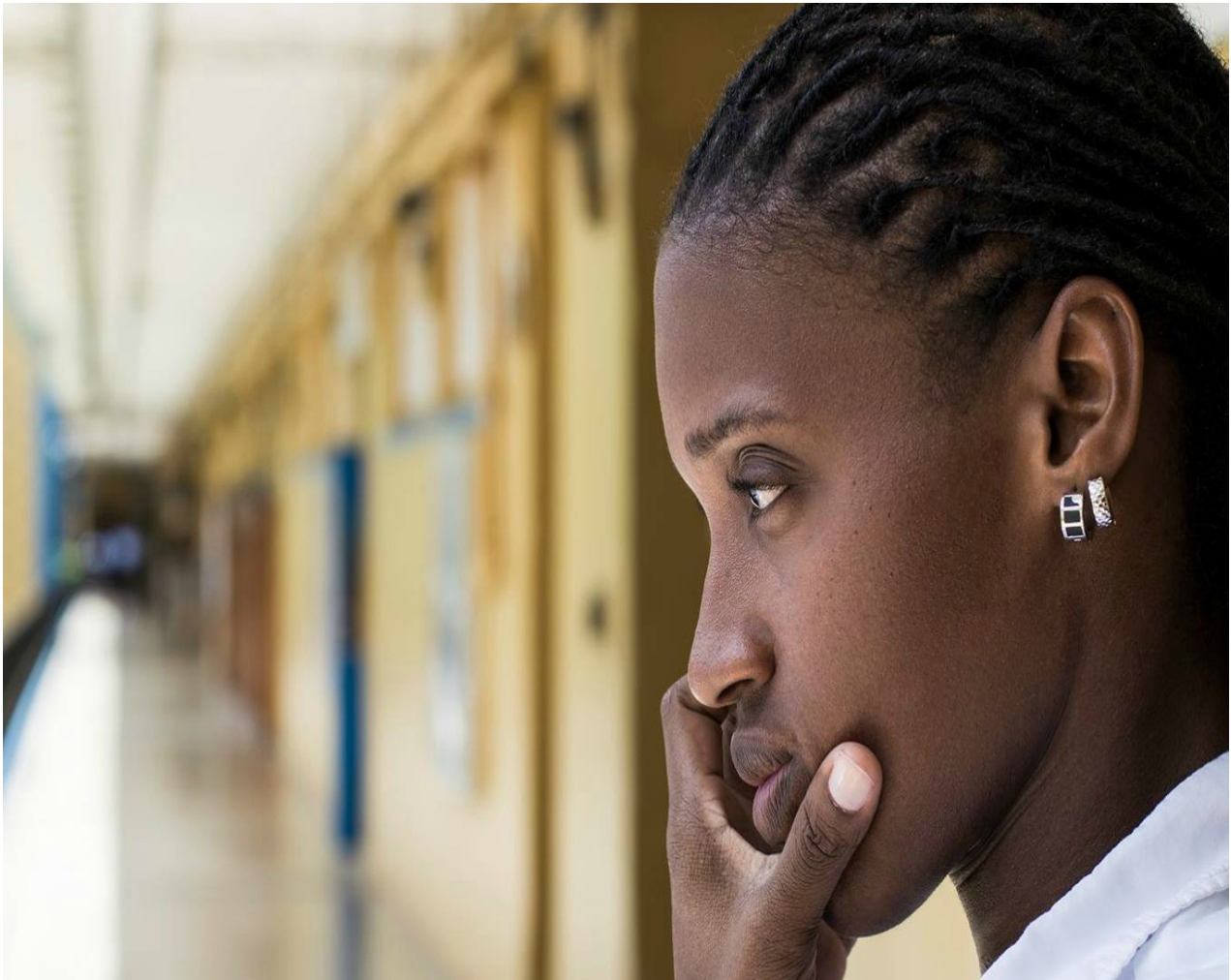


The Virgin Islands Consortium

Senate President Says Board Of Elections Should 'Do Its Job' And Certify Special Election

Politics / **Published On April 24, 2017 11:21 AM /**

Staff **April 24, 2017**



ST. THOMAS -- Senate President Myron Jackson, in a release issued Sunday, has charged that certain members of the Minority Caucus were misleading the public into believing that the 32nd Legislature could have "stripped the local and federal courts of their authority" to determine the dispute concerning the eligibility of Kevin A. Rodriguez to serve in the Legislature, adding that nothing could be further from the truth.

Mr. Jackson contends that because court action against Mr. Rodriguez was initiated before the 32nd Legislature was formed, any decision regarding Mr. Rodriguez was out of the Legislature's authority. Mr. Rodriguez, however, was already elected as a senator in the November 2016 general election, and [his election certified by the Board of](#)

Elections.

"Senator-Elect Janelle K. Sarauw and Brigitte Berry initiated their action against Mr. Rodriguez and others prior to the formation of the 32nd Legislature of the Virgin Islands," Mr. Jackson contended. "Therefore, the Superior Court of the Virgin Islands and later the Supreme Court of the Virgin Islands had the authority to consider the issues raised in that action, and their authority was continuous and ongoing even after the 32nd Legislature was formed.

"Any effort by the 32nd Legislature to insert itself in the dispute by seating Mr. Rodriguez would have resulted in two co-equal branches of government addressing the same issue concerning Mr. Rodriguez's qualifications and ability to serve. The second round of litigation that would have most surely ensued when any Virgin Islands taxpayer challenged the seating of Mr. Rodriguez would have further muddled an already complicated controversy," Mr. Jackson said.

On Thursday, three Minority Caucus senators out of the St. Thomas-St John District [requested a legislative legal opinion](#) to determine what action the Legislature should take if the Board of Elections does not certify the results of the April 8 Special Election. This, they say, is critical to addressing representation between the districts.

"I really believe that the Legislature missed an opportunity to provide closure in this matter early on," said Senator Tregenza Roach. "The legal counsel's opinion made it clear that we were required to act, and as provided in the Organic Act, we would have had the opportunity to make the final decision on whether or not Senator-Elect Kevin Rodriguez would be seated as a member of the body."

But Mr. Jackson contends that multiple litigation over the very issue raised in the initial action filed by Senator-Elect Sarauw and Ms. Berry would cause the vacant seat in the St. Thomas-St. John district to remain empty long after the time allotted for calling a special election. And he challenged Mr. Roach's stance on the matter, contending that Mr. Roach "neglects to tell the public that the courts have spoken," suggesting that the decision of the territory's highest court should be final.

"The Virgin Islands Supreme Court, the highest court of this territory, held that Mr. Rodriguez is [judicially estopped](#) from asserting he was a resident of the Virgin Islands for at least three consecutive years preceding the general election," Mr. Jackson said. "The District Court of the Virgin Islands then concluded that no court, including the District Court, could force the 32nd Legislature to seat Mr. Rodriguez."

While the District Court [did not force the Legislature](#) to decide Mr. Rodriguez's matter, deeming it a coequal branch of government, it did not stop the body from taking action, either. It also did not explicitly ask Mr. Mapp to call a special election, but the court concluded that the governor had the right — even duty — to do just that to remedy the tumultuous saga.

Standing by his position that the 32nd Legislature had no authority in the Rodriguez matter, Mr. Jackson called on the St. Thomas Board of Elections to certify the Special Election.

"Finally, the Third Circuit Court of Appeals denied Mr. Rodriguez's request to stop the Special Election and later denied his request to stop the certification of the Special Election. Therefore, there is no impediment to the certifying the Special Election. The Board of Elections needs to do the job it is statutorily mandated to do, which is to certify the Special Election," Mr. Jackson concluded.

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