

The Virgin Islands Consortium

Superior Court Orders Board Of Elections To Certify April 8 Special Election

Politics / **Published On July 06, 2017 09:29 PM /**

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ST. THOMAS -- The Kevin Rodriguez/Janelle Sarauw saga, which has been raging for months and is currently wreaking havoc in the Democratic Party, may be finally coming to an end, as the Superior Court of the Virgin Islands on Wednesday granted Ms. Sarauw her writ of mandamus request, by ordering the St. Thomas-St. John District Board of Elections to certify the April 8 special election.

"Plaintiff Sarauw has established that she possesses a clear and indisputable right to have the results of the special election certified, for certification within the statutorily mandated fifteen days is a ministerial act that the Board of Elections lacks the discretion to simply postpone," reads the judgement.

The court order may well spell the end of the protracted battle surrounding the 15th seat of the 32nd Legislature; former Delegate to Congress Donna Christensen, currently the Democratic Party's state chair, confirmed to The Consortium today that a complaint filed by the party in the District Court of the Virgin Islands seeking declaratory judgement and injunctive relief to bar the Board of Elections from certifying the April 8 special election, was denied by the court because the Democratic Party had no attorney on file.

Ms. Christensen, aware of the Superior Court's latest ruling, added that the party has not given up, but would take sometime to regroup before announcing next moves. "Our position has not changed; we believe that due process was not done, the directives in the Organic Act were not followed, so we're exploring where we go from here," she said.

The state chair insists that Mr. Rodriquez should have been seated as a senator, as he was voted by the people. "There's a presumption based on his being elected that he is elected and they should act that way, not that he is an outsider trying to get in," Ms. Christensen said. She said the party's determination was to ensure due process to Mr. Rodriquez, adding that the 32nd Legislature's decision to reject Mr. Rodriquez sets a bad precedent for the future. "This has nothing to do with Janelle Sarauw," Ms. Christensen noted, telling The Consortium that Ms. Sarauw would probably do a fine job as a lawmaker. But Ms. Christensen and by extension the leadership of the Democratic Party outside of the Senate, believe that Mr. Rodriquez was treated not only unfairly, but unlawfully.

She called into question the integrity of the April 8 special election, suggesting that it may be null because lawmakers failed to follow the Organic Act. "We have never taken the position that a vacancy existed," she said, a point that may wind up deciding the validity of the special election. She pointed to Senate President Myron Jackson's letter to the Board of Elections in which he states that a vacancy exists in the Senate, a letter that could become pivotal if a case based on whether Mr. Rodriquez should have been treated as if he were a senator, sworn in subsequently dealt with if lawmakers so choosed, we're to take root.

"There wasn't a vacancy before, and that calls into question the validity of the April 8 special election," Ms. Christensen said. She said if the courts agree with the party in its belief that Mr. Rodriquez was not given due process, it would represent a major victory in the party's attempts to assure the senator-elect a fair process.

"He should have been sworn in; his legal counsel should have the opportunity to question adverse witnesses," Ms. Christensen said, referring to the recent Senate session that determined Mr. Rodriquez's fate.

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