

The Virgin Islands Consortium

St. Thomas-St. John Board Of Elections Certifies Sarauw After Court Order

VIC News / **Published On July 11, 2017 09:59 AM /**

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Last updated: 1:54 p.m.

ST. THOMAS -- The St. Thomas-St. John District Board of Elections on Monday did what it failed to do some three months following the April 8 special election, basing its prior decision not to certify Janelle Sarauw on the premise that Kevin Rodriguez was already the certified Senator-elect, and that the 32nd Legislature needed to first determine whether Mr. Rodriguez was eligible to be seated.

But following a successful writ of mandamus filed by Ms. Sarauw, which saw the Superior Court [ordering this district's B.O.E. to certify the April 8 special election](#) after the Senate'e

landmark June 28 session where a majority of Senate Democrats rejected Mr. Rodriguez, the board -- with a close vote -- certified Ms. Sarauw's win.

With Chairman Arturo Watlington, Jr. and member Ivy Mosses abstaining, and members Maurice Donovan and Diane Magras absent, the vote was left to three members: Alecia Wells and Lydia Hendricks, who voted in favor, and Carla Joseph, who voted against certification.

A slim vote, but enough to simplify Ms. Sarauw's swearing-in ceremony, set for Friday.

Ms. Sarauw will be seated eight months after challenging Mr. Rodriguez in court, alleging that he had lied when he told the Elections System that he was a resident of the territory. Mr. Rodriguez had told a bankruptcy court in Tennessee that he was a resident of the state in a bid to save the home that housed his then-estranged wife, along with his daughters. Multiple suits followed, the most pivotal being the V.I. Supreme Court's decision to [bar Mr. Rodriguez from taking the oath of office](#) in January.

That set off even more legal action, with Mr. Rodriguez taking the matter all the way to the Third Circuit Court of Appeals, which ultimately said the Senate [was the only body with the authority](#) to deal with Mr. Rodriguez.

On June 28, the 32nd Legislature finally addressed the matter, with a majority of the body — 8-6 — deciding that Mr. Rodriguez was ineligible to be a member of the Senate.

Here's how and why they voted on the matter of seating Mr. Rodriguez

Kurt Violet, No: Mr. Violet expressed concern throughout the session on both days that a decision to seat Mr. Rodriguez would set a bad precedent, because it would promote the notion that one can commit perjury without consequence.

Janette Millin Young, Yes: Mrs. Millin Young from the onset believed that Mr. Rodriguez should have been seated after being elected by the people of the Virgin Islands; her stance being that the senator-elect became a member of the body upon his election.

Myron Jackson, No: For Mr. Jackson, the Supreme Court's decision in January to bar Mr. Rodriguez from taking the oath of office reigned over any other decision other courts made.

Positive Nelson, Yes: Mr. Nelson admitted that he had concerns about Mr. Rodriguez's probity, but his decision to vote in favor of the senator-elect was based on the merits of residency.

Novelle Francis, No: Like Mr. Jackson, Mr. Francis held in high regard the V.I. Supreme Court's January ruling: "For me, the most convincing and persuasive decision that was made was made by the Supreme Court," he said today.

Marvin Blyden, initially not voting, quickly switched to No: Mr. Blyden seemed conflicted; Mr. Rodriguez had worked for him when the senator-elect moved back to the territory in 2013. So instead of making the issue about residency, Mr. Blyden sought to rely on the matter of perjury, which, in the territory, is a crime of moral turpitude.

Tregenza Roach, Yes: Mr. Roach sought to rely on the residency issue as well, and argued as such. At one point on Tuesday, Mr. Roach said it troubled his core, that he, who was born in St. Kitts, had to question the eligibility of Mr. Rodriguez to serve the land in which he was born.

Alicia Hansen, Yes: Like her Minority Caucus members, Mrs. Hansen sought to stick to the issue of residency, and argued that Mr. Rodriguez had clearly lived in the territory from 2013-2016.

Neville James, No: Mr. James said the issue of perjury was a major deciding factor for him. “At the end of the day, he undermined being a bona fide resident [of the U.S. Virgin Islands] by telling the state of Tennessee that I am a resident [of Tennessee] and I’ve been living here for three years, and only in Tennessee for three years,” he said.

Jean Forde, No: Although at times he seemed to support Mr. Rodriguez, Mr. Forde voted against him. The senator said he would not judge the man’s character, but instead rely on evidence brought to the fore during the two-day session to inform his vote.

Sammuel Sanes, No: Mr. Sanes praised Mr. Rodriguez’s efforts in saving his family’s home, but for Sanes, doing the right thing — although he suggested that he might have done the same for his family if placed in Mr. Rodriguez’s position at the time — trumped all else.

Nereida Rivera-O’Reilly, No: Mrs. Rivera-O’Reilly’s stance was detectable from the beginning. She came well prepared to pepper Mr. Rodriguez with pressing questions, and even caused the senator-elect to stumble.

Dwayne DeGraff, Yes: Mr. DeGraff was convinced that Mr. Rodriguez was a resident of the Virgin Islands eligible to participate in the 2016 general election. Many of his arguments were built from that foundation.

Brian Smith, Yes: Mr. Smith broke away from his Democratic colleagues and voted in favor of seating Mr. Rodriguez, his decision to do so being based on a conviction that Mr. Rodriguez should not be judged for his wrong doings in his personal life, but whether he met the residency criteria.

Correction: July 11, 2017

A previous version of this story, because of a text error, stated that board member Ivy Moses had voted against certifying the April 8 election, when the member who voted against certifying the election was Carla Joseph. Ms. Moses abstained. The story has been updated to reflect the correct information.