

# The Virgin Islands Consortium

## Seventh Circuit Rules Against Expanding Voting Rights To USVI, PR And Other U.S. Territories

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Late Thursday, the U.S. Court of Appeals for the Seventh Circuit ruled against expanding territorial voting rights in *Segovia v. United States*, according to We The People Project, a non-profit that advocates for equal rights and representation in U.S. territories.

The case presented an equal protection challenge by plaintiffs in Guam, Puerto Rico, and the U.S. Virgin Islands who would be able to absentee vote for president and voting representation in Congress if they lived in other U.S. territories or a foreign country, but are denied such rights based solely on their ZIP code.

In a surprising move, the panel concluded that plaintiffs lacked legal standing to even challenge federal overseas voting laws, a potentially far-reaching conclusion that has previously been rejected by other courts. On the merits, the panel concluded that state overseas voting laws may constitutionally extend absentee voting rights to residents of American Samoa and the Northern Mariana Islands while withholding them from residents of Guam, Puerto Rico, and the U.S. Virgin Islands. The panel also embraced the suggestion of the Trump Administration that even if a constitutional violation was found, the remedy would be to contract rather than expand voting rights in U.S. territories.

“The right to vote should not depend on your zipcode or where you happen to live. We are disappointed the court found no issue with laws that extend absentee voting rights to citizens living in the Northern Mariana Islands, American Samoa or a foreign country, while denying these same rights to citizens living in Guam, Puerto Rico, or the Northern Mariana Islands,” said Neil Weare, President and Founder of [We the People Project](#). “There is simply no basis for treating residents of one territory differently from those of another when it comes to something as basic as the right to vote.”

Plaintiffs will make a decision whether to appeal the Seventh Circuit’s decision to the Supreme Court in the coming weeks. They have until April 18, 2018 to petition the Supreme Court to review the case.

All case filings are available at <http://www.equalrightsnow.org/segovia>.

Luis Segovia, the lead plaintiff, is a member of the Guam Army National Guard, serving two deployments to Afghanistan. He also was deployed to provide security during the 2005 Iraqi Elections. Also serving as plaintiffs in Guam are Anthony Buntin, another Veteran, and the Iraq, Afghanistan and Persian Gulf Veterans of the Pacific. Attorney Leevin Camacho serves as local counsel.

In the U.S. Virgin Islands, Plaintiffs include Pamela Colon, a criminal defense lawyer, Lavonne Wise, and the League of Women Voters for the Virgin Islands.. Attorney Semaj Johnson serves as local counsel.

In Puerto Rico, Plaintiffs include Jose Antonio Torres, a disabled Vietnam-era Veteran who also served for 22 years in the U.S. postal service, and Tomas Ares, another Vietnam-era Veteran.