

The Virgin Islands Consortium

Drama, Again, At Board Of Elections As Government Sues Over Noncompliance

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The Government of the Virgin Islands is suing the Territorial Elections Board over noncompliance with the territory's recently updated elections laws, according to a suit filed in the Superior Court of the Virgin Islands, by the V.I. Department of Justice.

The government alleges that the board failed to comply with VI law that calls for a single, territorial board of elections. The law came through [legislation sponsored by then-Senator Kenneth Gittens](#), member of the 31st Legislature.

"The bill unifies the boards into one 14-member board while I have issued a charge to my colleagues to bring an amendment post haste that would change the numerical makeup

of the board," Mr. Gittens said during a hearing in 2016. "Some of my colleagues are concerned about the number of members on the board, saying that 14 members would cause a problem in the event of a tie vote, so as soon as an amendment comes that addresses that or one that just reduces the number for the sake of futility, we will take action."

The measure eventually passed and was signed into law by Governor Kenneth Mapp, becoming Act 7892, but it was found to be flawed when Senator Kevin Rodriguez was disqualified following a protracted residency battle -- leaving no elections authority to oversee the process of the April 1, 2017 special election -- where Senator Janelle Sarauw became the victor.

In light of this, 32nd Legislature lawmakers passed Act 7982, which gave the disbanded district boards jurisdiction until August 1, 2017 to oversee the special election. Thereafter, the separate boards were to be disbanded to form a single, territory-wide board.

But the territorial board, according to the government, has refused to adhere to the law by failing to meet as a single board. Members of the single board have met this year, but not as a unified entity as the law demands, but rather as St. Croix District and St. Thomas-St. John District board members. Both groups held their most recent, separate meetings on April 5.

"While both district boards have convened as the Joint Board of Elections, the members have not to date convened as a "single" Board of Elections," reads the complaint. "In contravention of Virgin Islands law, defendants continue to meet within their district and address matters concerning the election system and upcoming elections which legally are within the exclusive purview of the "single" Board of Elections."

"The Government of the Virgin Islands is entitled to a declaratory judgment adjudging the defendants have acted in contravention of Virgin Islands law by conducting district boards meetings after August 1, 2017," the complaint further states. "The Government of the Virgin Islands is entitled to a declaratory judgment nullifying all decisions made by district boards after August 1, 2017."

"Since March 2017, the board members knew or should have known that Act No. 7892 created a single Board and that a Chair and Vice Chair need to be elected to conduct the business of the Election System. Notice and knowledge of Defendants members is evidenced by the agenda of the August 2017 and February 2018 joint board meetings where the single board is reflected as an agenda item."

"Defendants had notice and several opportunities to comply. Defendants chose instead to conduct meetings contrary to law and make decision that are solely within the discretion of the single Board. It is in the public interest and the public good for all concerned herewith to insure that law is upheld and board members be required to follow the strictures of Act No. 7982"

See court documents [here](#).