

The Virgin Islands Consortium

Superior Court Orders Boards Of Elections To Form Law-Mandated Single Board, Says All Actions Taken By Boards After August 1, 2017 Void

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ST. THOMAS -- The Superior Court of the Virgin Islands on Thursday handed down a resounding victory to the Government of the Virgin Islands, following a suit the G.V.I., through the Department of Justice, levied against the St. Thomas-St. John and St. Croix district Boards of Elections, alleging that the boards had failed to follow [a 2016 law](#) that created a single, territorial board.

In a declaratory action handed down by Judge Denise M. Francois, the Superior Court said the defendants -- all members of the two district boards -- failed to convene as a

single board as required by Act No. 7892, and as amended by Act. No. 7982.

Judge Francois also ruled that all meetings held by the boards after August 1, 2017, were in contravention of the law, and actions taken by the boards after the aforementioned date are void. The court further declared that the single Board of Elections is the only policy making body authorized to establish procedures for elections within the U.S. Virgin Islands. The court also enjoined and prohibited the defendants from conducting district board meetings.

In a statement issued to The Consortium following the ruling, Attorney General Claude Walker said, "This is a victory for democracy. The distinguished judge called it right by granting everything that we sought. I make no apologies for bringing this case before the court because the people have spoken through their representatives in the Legislature that they do not want separate district boards with St. Thomas holding elections one way and St. Croix another. The people want a single board to establish one set of rules to apply to all candidates and voters to ensure free and fair elections in the Virgin Islands."

Today's ruling comes as the 2018 election cycle is coming to bloom, with a wave of candidates vying for elected office filing their nomination at the Elections System of the Virgin Islands. Governor Kenneth Mapp, who on Monday filed his own nomination documents, told hopefuls in the gubernatorial race to get ready for war, as his arsenal includes "[missiles and bombs](#)."

The single board 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.

"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," read the government's 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 stated. “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”

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