

The Virgin Islands Consortium

Letter To The Editor | If Election Laws Aren't 'User-Friendly,' The Legislature Should Fix Them

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Ernice Gilbert **August 10, 2018**



Dear Editor,

We at the Election System of the Virgin Islands have read with interest recent comments about the system attributed to Senator Positive T. Nelson who submitted a petition along with Gary Uhdwani to run as Independents Candidates for Governor and Lieutenant Governor in the upcoming general election of November 6. The petition was denied on May 21, 2018 as Disqualified because Uhdwani was not a bonafide registered voter at the time of submission. As reported, Nelson stated “the system should be more user friendly.”

As the Senator is aware, the Election System is a semi-autonomous entity to champion democracy not leniency. We are, in fact, “user friendly” by following the Law. In 2013, at my First Legislative Hearing, I testified to all Legislators in attendance, that the election laws are unambiguous and antiquated, however, my stand is clear based on the current reading of Title 18 of the Virgin Islands Code which with which we must comply and not compromise.

All potential candidates are given a Nomination Package with all the Rules, Procedures, Handouts and Documentation to complete. The Nomination Petition & Papers Rules & Regulations on page 6, clearly states “the Circulator must be a registered voter in the District that the Nomination Petition & Papers are circulated.” In addition, there was a handout “Qualifications for Voting” which clearly stated in #4, Cancellation of Registration. The three reasons for Cancellation are (a) Leave Territory, (b) Death and (c) Miss two consecutive General Elections. Additionally, there are other documented requirements including that if one signs and submits a sworn and notarized statement, that person is attesting to the truth.

Legal challenges have been ongoing from the days of the first Supervisor of Elections in the 1960’s and still continues today. I encourage Senator Nelson, as a senior sitting lawmaker to meet with his colleagues and make a greater contribution by assisting in correcting what he refers to as the flaws in the Election System. The Virgin Islands Senate is ultimately responsible to create, amend or clarify laws – not the Elections System.

I stand firmly by my declaration of Disqualification and my determination not to simply issue a Notice of Defect. The Elections System is an entity to ensure Fair, Accessible and Transparent Elections, by following the law created by Legislators.

Submitted on Wednesday by: Supervisor of Elections, Caroline Fawkes

Feature Image: Senator Positive Nelson.