

The Virgin Islands Consortium

Senators Wary Of Apportionment Initiative

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"There are times when the judicial branch is obligated to protect the people from themselves."

Above, the words of Senator Neville James, who told The Consortium via text message on Thursday that even if senators were to support the St. Croix Retirees Inc., reapportionment petition that received near 5,000 signatures from Virgin Islanders territory-wide, that district apportionment is unconstitutional, and therefore would not be enacted. "Therein lies the quandary that we're in," Mr. James said.

The first of three hearings on the referendum was held in St. John on Wednesday, where proponents of the bill, including historian and legendary radio talk show host, Mario

Moorhead, along with his sister, Mary Moorhead, testified in support of the measure.

Contrary to Mr. James's opinion that the reapportionment initiative is unconstitutional, Mr. Moorhead argued the opposite, stating that the current setup is unconstitutional, and that the new initiative would align itself with the Revised Organic Act of 1954, which was approved by Congress.

Mr. Moorhead sees the new arrangement imitating the U.S. setup whereby at-large senators would operate like U.S. Congress senators representing the entire territory, and district senators operating more like those elected to the U.S. House of Representatives -- through population and focusing on local issues.

Senators, however, questioned whether the initiative could accomplish its goal. Senator Kurt Vialet, for example, asked whether voters would have to be re-registered if the east and west sides of the islands were split in half. He also questioned how the initiative would work since, he said, most of the islands' populations are concentrated in the center.

The question that was approved to be asked in April by the Titling Board and placed on the ballot starts by explaining the proposal: "Title 2, Chapter 6 of Virgin Islands Code entitled Apportionment of the Legislature is amended to read as follows: There are five Legislative Districts with 9 district senators and 6 at-large senators: District of St. Croix East shall have two senators, District of St. Croix West Shall have two senators, District of St. Thomas East shall have two senators, District of St. Thomas West Shall have two senators, District of St. John shall have one senator, voted on by the qualified electors of the respective districts. The proposal further states that there shall be six at-large senators, "three shall be residents of St. Croix and three shall be residents of St. Thomas, voted on by the qualified electors of the Virgin Islands Code."

The question then asks: "Shall this proposal become law?"

On concerns that there was not enough time to place it on the November 6 general election ballot, Mrs. Fawkes said a number of recourse actions have been considered by herself and Attorney General Claude Walker:

1. Prepare a second 2018 General Election Ballot with the two Initiative Petitions which includes the Ballot Title, Ballot Question and Ballot Summary.

- (a) The Contractor print the ballots time permitting before November 6th.
- (b) Ballots are printed locally by a printing company or the Department of Property & Procurement. These ballots will be counted by talliers.

"For those voters who have voted absentee or early voting, we have three options --email, mail, personal calls and send out a press release encouraging those who voted early to return, to be given the separate initiative petition ballot," Mrs. Fawkes said. "Early voting is scheduled to begin on October 15-29, once the general election ballots arrive. As we are all aware, the governor signed the budget bill on October 7, therefore, we have not received the general election allotment to date. Secondly, as per the Revised Organic Act, Section 12, the Legislature can approve for a special election to be conducted."

According to a recent Election System release, the petition collected 2,343 signatures on St. Croix, which is above the required 2,298. Some 2,553 signatures were collected in the St. Thomas-St. John District, which is above the required 2,530. Early October was the deadline for the required amount of signatures to be gathered, and the requirement was achieved on Oct. 1. In total, 4,641 Virgin Islanders decided that they wanted the petition to be placed on the ballot.

If a majority of voters approve of the petition once placed on the general election ballot, the proposal immediately becomes law and would be immune from the governor's veto, according to Mrs. Fawkes. The new law would also be immune from a repeal or amendment by the Legislature during a three-year period after it's approval, "unless the Legislature acts by a two-thirds majority," she said.

The second Committee of the Whole hearing on the apportionment matter has been set for Monday, Oct. 15 in St. Thomas at the Earl B. Ottley Legislature at 6:30 p.m., and the last on Tuesday, Oct. 16 at the Cardiac Center on St. Croix at 6:00 p.m.

Feature Image: Mary Moorhead, member of St. Croix Retirees' Inc. and chief proponent of the apportionment measure. (Credit: Ernice Gilbert, VIC)