

The Virgin Islands Consortium

St. Croix Retirees Inc. Files Restraining Order To Halt Early Voting; Court Hearing Set For Tuesday

VIC News / **Published On October 16, 2018 10:22 AM /**

Ernice Gilbert **October 16, 2018**



The St. Croix Retirees Inc., the organization that initiated and was successful in garnering the requisite number of signatures for its petition to be placed on the November 6, general election ballot, has filed suit against the Election System for moving forward with early voting, which started Monday, without the petition question being placed on the ballot, a move proponents contend is in violation of federal law. The suit, a Temporary Restraining Order (TRO), seeks to block the continuance of early voting without the petition question being on the ballot.

Backers of the initiative see 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.

[\[Watch: Titling Board meeting with local retirees group with agenda to amend VI code for the reapportionment of the Legislature.\]](#)

"The Supervisor's early voting ballot can fairly be described as an affront to the right of initiative granted to the people of the Virgin Islands by the United States," reads a portion of the TRO, seen in full [here](#). "Consequently, the petitioner has no option but to seek emergency relief from further irreparable harm at the hands of the Supervisor's desecration of the Revised Organic Act of 1954."

Meanwhile, during a hearing that started well after the 9:00 p.m. hour in St. Thomas on Monday, one of three organized by Senate President Myron Jackson and criticized by many as a stalling tactic, lawmakers continued asking questions relative to the petition. The Revised Organic Act affords the Legislature 30 days to review the initiative.

Yvonne Tharpes, the Legislature's legal counsel and member of the Titling Board, was asked on multiple occasions why she failed to make known [during the April meeting](#) the deficiencies that she identified [in her recent legal opinion](#) written on the Senate's behalf that deemed parts of the petition unconstitutional. Her answers were mostly conflicting, as at one point she acknowledged that members of the board could advise the petitioners, and at other times appeared to say that members of the Titling Board were not to advise.

The Titling board includes three members, Attorney General Claude Walker, Ms. Tharpes, and Supervisor of Elections Caroline Fawkes.

Mr. Walker, in a statement issued to The Consortium Monday, held to his stance that the initiative should be placed on the ballot, and that any addendum to the measure should come following voters' decision on November 6.

"It should not have gotten to this point of someone having to file a TRO because the retirees worked hard and followed the rules to get this initiative on the ballot," the attorney general said. "Since April, the board voted in favor of moving their petition to the Legislature. There was ample time for a full review and hearings to allow for the initiative to be presented to the voters."

Mary Moorhead of the St. Croix Retirees Inc. traversed all three islands, week after week, month after month, working to get the required number of signatures -- 10 percent of registered voters in each district. Ultimately, according to Ms. Moorhead, in excess of 6,000 signatures were collected -- well beyond the nearly 5,000 needed.

The Senate could choose to approve the petition and it immediately becomes law and would therefore not need to be on the ballot. Historian and legendary radio personality, Mario Moorhead, said with early voting already in progress, Senators should approve the measure, as it's what over 6,000 Virgin Islanders signed and approved. If the senators disapprove, the measure is placed on the ballot nonetheless, and its fate would lie in the hands of the 2018 general election voters. The senators could also create their own version of the petition, which would be placed alongside the original petition on the ballot, where the petition garnering a majority of the votes would become law and immune from

legislative action or a governor's veto for three years.

The question that was approved by the Titling Board in April to be asked 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?"

The Titling Board also approved the question's summary to be placed on the 2018 ballot, which reads: "This initiative seeks to amend Title 2, Chapter 6 of Virgin Islands Code entitled Apportionment of the Legislature to create the following districts: District of St. Croix St. East, District of St. Croix West, District of St. Thomas East, District of St. Thomas West, and District of St. John. The initiative also seeks to create the following at-large senators: Three shall be residents of St. Croix, and three shall be residents of St. Thomas."

Feature Image: Mary Moorhead. (Ernice Gilbert, VIC)