

The Virgin Islands Consortium

Voter Registration Opens In St. Thomas Despite A.G.'s Opinion And St. Croix Board Member Concerns

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Auturo Watlington, Chairman of the Board of Elections serving as a member on the unified board in the St. Thomas-St. John District, has moved forward with voter registration efforts in the aforementioned district, despite an opinion from Attorney General Claude Walker, and concerns of Board of Elections Vice Chair Raymond Williams, who contended that voters cannot be registered 30 days before an election according to Virgin Islands law. The runoff election is scheduled for November 20, which is seven days away.

Mr. Watlington opened up voter registration for four days beginning today; he has said only the courts will stop him -- not Mr. Walker's legal opinion, which was sought by Mr.

Williams, and not even a disagreement among board members, some of whom who say the board did not vote on the matter.

Because of [Mr. Walker's opinion](#), issued on Friday, Mr. Williams said St. Croix would not move forward with voter registration. It was not clear as to whether a restraining order will be sought by the Department of Justice.

“A run-off election is a continuation of a general election and only those individuals who were registered and qualified to vote in the November 6th election are qualified to vote in the runoff,” Mr. Walker opined.

He said 18 V.I.C. § 1 provides two useful definitions to be used in construing the local election statutes. First, “election’ means any general or primary election, unless otherwise specified or indicated as in the term ‘primaries and elections’, where the intention is to refer to primary elections and general elections.” Second, “run-off election’ means an election that allows for the selection between the choices receiving the first and second largest number of votes cast in the general election.”

Based upon the plain language of the two definitions, it is apparent that the term “run-off election” is included in the definition of general “election,” according to the opinion. Because a “run-off election” is an election, and it only applies in situations involving a general election, it must follow that a “run off election” is intended to be a continuation of the general election, the A.G. opined. Based upon this interpretation, only those eligible voters who were qualified to vote in the November 6, 2018, general election shall be qualified to vote in the upcoming run-off election, the Mr. Walker concluded in the “discussion” segment of his opinion.

He said this interpretation is supported by “virtually every other U.S. jurisdiction.” For example, in Georgia, O.C.G.A. § 21-2-501, provides, “Only the electors entitled to vote in the first primary or election shall be entitled to vote in any run-off primary or election resulting therefrom; provided, the run-off primary or election shall be a continuation of the first primary or election, and only those votes cast for the candidates receiving the two highest numbers of votes in the first primary or election shall be counted.”

Mr. Walker concluded, “The scheduled run-off election is a continuation of the general election that was held on November 6th and, pursuant to V.I.C. § 94(c), the Board must not register new voters between today and five days after the November 20th run-off election occurs.”

Correction: Nov. 13, 2018 (8:06 a.m.)

A previous version of this story, because of a text error, stated that Mr. Watlington would open early voting today. However it's voter registration, not early voting, will start in St. Thomas and St. John today, which goes against Attorney General Claude Walker's opinion and board members who say the move is contravening USVI law. (Early voting will commence territory-wide on Saturday and end on Sunday.)