

Party Quota for a Board of Elections

Golden v. Virgin Islands

(*Raymond L. Finch, D.V.I. 1:05-cv-5*)

An incumbent member of the St. Croix Board of Elections, who was initially declared victorious in the 2004 general election but was subsequently declared ineligible for re-election because of her party affiliation, filed a federal complaint in the District of the Virgin Islands on January 11, 2005, to overturn the Virgin Islands' attorney general's ruling on her case.¹

One of two boards of elections in the Virgin Islands, the St. Croix board has seven members, and four seats were up for election in 2004.² No more than four members can be members of the same political party.³ The plaintiff was an incumbent who was defeated in a Democratic primary.⁴ Running as a write-in candidate in the general election, she came in fourth, which would have entitled her to a seat except for four other seats already being occupied by Democrats.⁵ The attorney general opined that her changing to an independent after the election did not satisfy the party quota rule.⁶

Following a hearing on January 20, the court issued a temporary restraining order on January 26 enjoining the plaintiff's decertification.⁷ Following a second hearing on February 23,⁸ Judge Raymond L. Finch denied the plaintiff a preliminary injunction on March 1.⁹

Judge Finch determined that the plaintiff could not be seated as an independent, because she was a Democrat at the time of the election.¹⁰ She could not be seated as a Democrat on a finding that one of the other Democrats sitting was really an independent, because that claim could have been brought before the Democratic primary election.¹¹

It was reported that the plaintiff was certified by the board to a seat on it anyway.¹² The case was voluntarily dismissed a year later.¹³

1. Docket Sheet, *Golden v. Virgin Islands*, No. 1:05-cv-5 (Jan. 11, 2005) (D.E. 1); *Golden v. Virgin Islands*, No. 1:05-cv-5, 2005 WL 6106401, at *1 (D.V.I. Mar. 1, 2005); see Don Buchanan, *Golden Sues Board of Elections for Seat*, St. Croix Source, Jan. 13, 2005.

2. *Golden*, 2005 WL 6106401, at *1.

3. *Id.*

4. *Id.*; see Don Buchanan, *Board of Elections Results Challenged*, St. Croix Source, Nov. 22, 2004.

5. *Golden*, 2005 WL 6106401, at *1.

6. *Id.* at *1, *6; see Don Buchanan, *There May Be Change on the Board of Elections*, St. Croix Source, Dec. 13, 2004.

7. Docket Sheet, *supra* note 1 (D.E. 20, 37).

8. *Id.* (D.E. 48); *Golden*, 2005 WL 6106401, at *1.

9. *Golden*, 2005 WL 6106401.

10. *Id.* at *6.

11. *Id.* at *5.

12. Don Buchanan, *Golden Gets Nullified and Certified, All Over Again*, St. Croix Source, Mar. 14, 2005.

13. Docket Sheet, *supra* note 1 (D.E. 71, March 30, 2006, order).