

Overseas Absentee Ballot Consent Decree in the Virgin Islands

United States v. Virgin Islands
(*Curtis V. Gómez, D.V.I. 3:12-cv-69*)

On August 31, 2012, the Justice Department filed a federal complaint in the District of the Virgin Islands¹ to enforce the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA),² as amended by the Military and Overseas Voter Empowerment Act of 2009 (MOVE Act).³ According to the complaint, for the Saturday, September 8, primary election for the Virgin Islands' delegate to the U.S. House of Representatives, the Virgin Islands failed to transmit absentee ballots to overseas voters 45 days in advance of the election, and Virgin Islands election procedures would not result in the timely transmission of general election absentee ballots either.⁴ With its complaint, the Justice Department filed a joint motion for an expedited consent decree.⁵ The court set a hearing for September 5 before Judge Curtis V. Gómez.⁶

Judge Gómez signed the consent decree on September 7.⁷ The decree specified express mail and email voting options and extended the deadlines for receipt of overseas absentee ballots.⁸

1. Complaint, [United States v. Virgin Islands](#), No. 3:12-cv-69 (D.V.I. Aug. 31, 2012), D.E. 1.

2. Pub. L. No. 99-410, 100 Stat. 924.

3. National Defense Authorization Act for Fiscal Year 2010, [Pub. L. No. 111-84](#), 123 Stat. 2190, 2318–35.

4. Complaint, *supra* note 1.

5. Consent Decree Motion, [United States v. Virgin Islands](#), No. 3:12-cv-69 (D.V.I. Aug. 31, 2012), D.E. 2.

6. Docket Sheet, *id.* (Aug. 31, 2012).

7. Consent Decree, *id.* (Sept. 7, 2012), D.E. 10; see *Elections Accepts Consent Decree on Absentees*, St. Croix Source, Sept. 5, 2012.

8. Consent Decree, *supra* note 7.