

Party Quota for a Board of Elections

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

An election-board incumbent came in fourth as a write-in candidate in a general election for four seats on the board. She filed a federal complaint challenging an attorney-general opinion that she could not avoid a maximum quota of four members of the same party on the board by changing her party affiliation after the election. The court denied the plaintiff a preliminary injunction.

Subject: Getting on the ballot. *Topics:* Enjoining certification; write-in candidate; laches; primary election.

An incumbent member of St. Croix’s board of elections, who was initially declared victorious in the 2004 general election but was subsequently declared ineligible for reelection 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 had seven members, and four seats were up for election in 2004.² No more than four members could be members of the same political party.³ The plaintiff was an incumbent who was defeated in a Democratic primary election.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 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

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.

Judge Finch died on February 23, 2023. See Suzanne Carlson, *Judge Raymond Finch Remembered as Wise, Kind Mentor to Many*, V.I. Daily News, Feb. 25, 2023.

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

10. *Golden*, 2005 WL 6106401, 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 (order, Mar. 30, 2006, D.E. 71).