

SENATORS JUDGE THE QUALIFICATIONS OF SENATOR-ELECT KEVIN RODRIQUEZ

Date : June 27, 2017

ST. THOMAS- Members of the 32nd Legislature, chaired by Senate President Myron Jackson, convened in Legislative Session at the Capitol Building on Tuesday, to judge the qualifications of Senator-Elect Kevin Rodriquez to serve as a senator in the 32nd Legislature of the Virgin Islands.

“After many litigations, this process still has to be determined. This discourse speaks to the process that began before the formation of the 32nd Legislature. On January 9, 2017, the Board of Elections gave an oath of office to members of the 32nd Legislature with an exception of Senator-Elect Rodriquez,” said Sen. Jackson.

Rising out of Legislative Session and into the Committee of the Whole, lawmakers received testimony on the credentials of Senator-Elect Rodriquez. This is Pursuant to Section 6g of the Revised Organic Act of the Virgin Islands that states in part, no person shall be eligible to be a member of the legislature who has not been a bona-fide resident of the Virgin Islands for at least three years preceding the date of election.

Senator-Elect Rodriquez said, “I was a bona-fide resident of the Virgin Islands since January 5, 2013, when I moved back home from Tennessee for good. The undisputed evidence that I have presented prove that I was qualified to run for senate.”

“Can you define the term bona-fide resident?” asked Sen. Marvin Blyden. In response, Virgin Islands Attorney General Claude Walker Esq. said, “The Revised Organic Act does not define the term. However, because the Revised Organic Act serves as a de facto constitution for the Virgin Islands, to determine meaning, we should consider how similar language has been used in other state constitutions.”

Despite the testimonies presented, Resident Janelle Sarauw stated that the Senate-Elect Rodriguez was not residing in the Territory. “The Forward Movement Team maintains that Mr. Rodriguez does not meet the eligibility requirements as it pertains to residency,” said Sarauw.

“What does residency mean?” asked Sen. Brian Smith. Retained Council Kye Walker, Esq. from the Walker Legal Group stated that there is not one legal definition for the term residency. Sen Brian continued his inquiry, “What does domicile mean in terms of a registrant’s legal residence?” Attorney General Walker said, “A person can have two residencies but only one domicile. Legal residence or domicile is the place where a person habitually resides when not called elsewhere to work for a temporary purpose.”

Similarly, Sen. Nereida O’Reilly asked for further clarification of the term domicile. “Can legal domicile be determined by a person obtaining a driver’s license or voter’s registration card?” Attorney General Walker said, “Domicile is established by physical presence in a place in connection with state of mind concerning one’s intent to remain there. The Act does not speak specifically to driver’s license or a voter’s registration card.”

Sen. Alicia “Chucky” Hansen inquired about the qualifications of Senator-Elect Rodriguez. “In accordance to the requirements by law, have you found that Rodriguez fulfilled all legal obligations of the Board of Elections?” asked Sen. Hansen. Caroline Fawkes, Supervisor of Elections for the Election System of the Virgin Islands said, “Yes, Rodriguez was a certified candidate who was legally eligible to run for public office.”

Sen. Janette Millin Young had questions as it relates to the deficiencies of a candidate. “In the

previous election, were there letters of deficiencies that were mailed?" Supervisor Fawkes said, "Yes, there were candidates who received a letter." Sen. Millin Young asked, "Can you provide examples of a deficiency?" Supervisor Fawkes stated that incorrect or not enough signatures and inadequate mailing or physical addresses can lead to candidate receiving a letter of deficiency. Sen. Millin Young inquired, "Was Rodriquez a recipient of such letter?" Supervisor Fawkes stated that he was not.

Upon completion of Committee of the Whole, the meeting will remain in recess until Thursday, June 28, 2017.

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