

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

DEMOCRATIC PARTY OF THE
VIRGIN ISLANDS and CECIL R.
BENJAMIN, CAROL M. BURKE,
EMMETT HANSEN, and RIISE
RICHARDS as officers and individually,

Plaintiffs,

v.

THE VIRGIN ISLANDS BOARD OF
ELECTIONS and THE DISTRICT
BOARDS OF ELECTION OF
ST. THOMAS AND ST. JOHN,

Defendants.

CASE NO. SX-16-CV-308

ACTION FOR TEMPORARY
RESTRAINING ORDER,
PRELIMINARY INJUNCTION
AND PERMANENT
INJUNCTION

MEMORANDUM OPINION

THIS MATTER came on for hearing on June 6, 2016 on Plaintiffs' Motion for Preliminary Injunction, filed May 10, 2016; and on Defendants' Motion to Dismiss, filed May 20, 2016. After hearing argument on the Motions, the Court advanced the trial on the merits of Plaintiff's Complaint seeking injunctive relief, and consolidated it with the hearing pursuant to Fed. R. Civ. P. 65(a)(2). Because the Court finds that Plaintiffs were properly authorized to bring this action on behalf of the Democratic Party of the Virgin Islands by the January 22, 2016 vote of the Executive Committee, Defendants' Motion to Dismiss will be denied. Furthermore, because Plaintiffs have demonstrated that Defendants' failure to include the election of party officers in the 2016 Democratic Party primary expressly violates several relevant sections of Title 18 Virgin Islands Code, Defendants will be permanently enjoined from enforcing their decision to deny ballot access to those members of the Democratic Party seeking to run for party office in the 2016 primary election.

Background

On May 10, 2016, Plaintiffs filed their Complaint¹ alleging that Defendants² violated 18 V.I.C. §342 by deciding to omit the election of party officials from the 2016 Democratic Party of the Virgin Islands primary elections scheduled for August 6, 2016, and by denying nomination papers to party members seeking to run for party office. Amended Complaint ¶¶ 10-11. Plaintiffs allege that the election of party officials has historically been conducted by the Boards of Election at the party primary elections and funded by the “General Fund through appropriations of the Virgin Islands Legislature.” *Id.* at ¶¶ 8-9. Plaintiffs assert that in November 2015, the Democratic Party submitted its plan to elect party officials at the party primary elections and that in April 2016, when the party chair requested clarification of the process, Defendants confirmed that the party primary would not include the election of party officers. *Id.* at ¶¶ 12-13. Plaintiffs allege that when party members sought nomination papers for election to party office, the “District Board’s office rejected their requests,” exceeding the scope of their statutory authority. *Id.* at ¶¶ 14-16.

Furthermore, Plaintiffs allege that because the “Democratic Party does not have the resources to conduct an election for party officials,” Defendants’ decision to exclude the election of party officials from the primary, “provides insufficient time for the parties to offer an alternative selection process leading to the disenfranchisement of the voting population.” *Id.* ¶¶ 17-18. On this basis, Plaintiffs seek “to enjoin the Defendants from implementing the decision to exclude the

¹ On June 2, 2016, Plaintiffs moved to amend their complaint to name two additional individual Plaintiffs, Emmett Hansen and Riise Richards to whom Defendants had also denied nominating papers. The Court granted Plaintiffs’ Motion to Amend from bench on June 6, 2016. The Court also granted Defendants’ oral motion to renew their Motion to Dismiss as applicable to the Amended Complaint. As the substantive allegations of the Amended Complaint are identical to those in Plaintiffs’ original Complaint, references herein are to the Amended Complaint.

² For purposes of this Memorandum Opinion, the two Defendants—The Virgin Islands Board of Elections and the District Boards of Election of St. Thomas and St. John—are discussed together for simplicity as there is no meaningful distinction in Plaintiffs’ allegations or prayer for relief as to each Defendant.

selection of party officials from the primary election scheduled for August 6, 2016, and such other relief as this Court deems fair and just.” *Id.* at 4.

Along with their Complaint, Plaintiffs filed their Application for Temporary Restraining Order and Motion for Preliminary Injunction on May 10, 2016 seeking to “enjoin Defendants from enforcing and implementing the decision of the Joint Board of Elections... conducting the party primaries excluding the selection of party officials.” Application, at 1. By Order entered May 12, 2016, the Court denied Plaintiffs’ Application for Temporary Restraining Order noting that, in addition to ignoring several procedural requirements governing applications for temporary restraining orders under Fed. R. Civ. P. 65, Plaintiffs had failed to demonstrate, in anything other than conclusory terms, how Plaintiffs would be irreparably harmed if a temporary restraining order was not issued before Defendants could be heard in opposition.

Plaintiffs’ Motion for Preliminary Injunction came on for hearing on May 20, 2016. However, on that date, prior to the commencement of the hearing, Defendants filed their Motion to Dismiss, alleging that Plaintiff Cecil R. Benjamin and Plaintiff Carol M. Burke had not established their authority to maintain this action on behalf of Plaintiff Democratic Party of the Virgin Islands; and further claiming that the allegations of Plaintiffs’ Complaint are substantively contrary to and inconsistent with Amended Bylaws of the Democratic Party adopted at the October 24, 2015 meeting of the Party’s Territorial Committee and submitted to Defendant Board of Elections pursuant to Title 18 V.I. Code §304(a). *See* Order, May 20, 2016. In light of the filing of Defendants’ Motion to Dismiss, hearing on Plaintiffs’ Motion for Preliminary Injunction was deferred, and argument was heard on the merits of Defendants’ Motion. *Id.* At the conclusion of the hearing, Plaintiffs were granted time to file a written response to the Motion to Dismiss and

both parties were ordered to submit briefs addressing the issue, raised at the hearing, of whether those provisions of Title 18—including §§301(a) & 342—directing that election of party officers is to take place at the party primary, were implicitly repealed by 18 V.I.C. § 232 stating that the Board of Elections is “responsible for certifying the process to be used by any political party to select party officers...” *Id.*

On June 6, 2016, the matter again came on for hearing on Defendants’ Motion to Dismiss and Plaintiffs’ Motion for Preliminary Injunction. At the outset, the Court granted Plaintiffs’ Motion to Amend to add two individual Plaintiffs—Riise Richards and Emmett Hansen—who had also been denied nominating papers, and granted Defendants’ oral motion to renew their Motion to Dismiss as to the Amended Complaint. After hearing argument on the Motion to Dismiss, the Court exercised its discretion under Federal Rule 65(a)(2) to advance the trial on the merits and to consolidate it with the hearing on the Motion for Preliminary Injunction. Both parties introduced evidence including correspondence between the parties, minutes of Democratic Party Executive Committee meetings, and extensive witness testimony. *See* Record of Proceedings, June 6, 2016.

Motion to Dismiss

Although Defendants fail to specify under what rule or precedent they move to dismiss,

and cite no legal authority in support of their argument,³ by their Motion to Dismiss, Defendants challenge the authority of the individual Plaintiffs to bring this action on behalf of the Democratic Party of the Virgin Islands. In the body of the Motion itself, Defendants merely argued in general terms that “Plaintiffs’ complaint and allegations herein are completely contrary and inconsistent with,” Exhibit 1 to Defendants’ Motion, a copy of the Bylaws of the Democratic Party purportedly adopted at an October 24, 2015 meeting of the Territorial Committee of the Democratic Party of the Virgin Islands. Mo. Dismiss, at 1. Over the course of two hearings on the Motion, Defendants refined their argument, specifically contending that an April 22, 2016 meeting of the Executive Committee of the Territorial Committee—the group charged with governing the party between meetings of the full Territorial Committee—at which the Executive Committee voted to bring this action before the Court, lacked the necessary five member quorum to exercise its authority, and therefore all votes conducted at that meeting were invalid.

One central point of contention in this dispute concerns which version of the Bylaws of the Democratic Party is currently valid; the 1997 Bylaws providing for a seven member Executive

³ Pursuant to Rules 7.1 and 11.1 of the Local Rules of Civil Procedure of the District Court of the Virgin Islands, made applicable to proceedings in the Superior Court through Super. Ct. R. 7, the Court need not entertain an argument entirely unsupported by legal authority. However, as Plaintiffs have produced sufficient evidence to demonstrate their authority to maintain this action, the Court will deny the Motion to Dismiss on its merits, rather than solely based on the failure to comply with LRCi 7.1 & 11.1. *See* LRCi 7.1(c), applicable per Super. Ct. R. 7, (“Motions, responses and replies shall be accompanied by a brief which shall contain a concise statement of reasons and citation of authorities”); LRCi 11.1 (“By signing a motion or supporting memorandum or brief, an attorney certifies to the Court that... the applicable law in this jurisdiction has been cited, including authority for and against the position being advocated by counsel”); *see also Gov’t of the V.I. v. V.I. Bd. of Educ.*, 2014 V.I. LEXIS 34 at *5-6 (V.I. Super. 2014) (summarily denying motion for preliminary injunction for failure to cite authority as required by LRCi 7.1 & 11.1). While the applicability of the Local Rules of the District Court through Superior Court Rule 7 has been repeatedly questioned by the Supreme Court, its viability has to date not yet been abrogated in circumstances where Virgin Islands statutory law and the Rules of the Superior Court are silent. *See Stiles v. Yob*, 2016 V.I. Supreme LEXIS 23, *10-11 n.5 (V.I. June 8, 2016).

Committee, or the 2015 Bylaws providing for an eleven person Executive Committee.⁴ Both versions of the Bylaws require that a meeting of the Executive Committee must be comprised of a majority of the members of the committee to constitute a quorum. Defendants argue that the April 22, 2016 meeting at which the committee voted to take legal action against Defendants lacked a proper quorum because at least two of the six purported members of the committee voting that day—Kenneth Christopher and Sonia Boyce—were never appointed and confirmed by the full Territorial Committee as required by the Bylaws. Defendants’ Closing Argument, at 2.

However, regardless of which version of the Bylaws is ultimately deemed controlling,⁵ the Court finds that the Plaintiffs are authorized to bring this action, based not on the April 22, 2016 vote, but rather on the basis of the January 22, 2016 vote of the Executive Committee at which eleven members were present. Even assuming, *arguendo*, that Kenneth Christopher, who was present at the January 22, 2016 meeting, was not properly allowed to vote, there were still ten other voting members present that day, which constitutes a quorum under either version of the Bylaws. See Plaintiffs’ Trial Exhibit 21. Defendants’ arguments against Plaintiffs’ authority to maintain this action center solely on the propriety of the April 22, 2016 meeting and present no challenge to the January 22, 2016 vote to take legal action against the Board of Elections. Therefore, because the Court finds that, as a result of the majority vote of a quorum of the Executive Committee taken January 22, 2016, the individual Plaintiffs were properly authorized to bring legal action on behalf

⁴ Defendants also point out that at least one Plaintiff testified that the Executive Committee is currently comprised of nine members, which seems to conflict with both the 1997 and 2015 versions of the Bylaws. However, because the Court concludes that Plaintiffs were authorized to bring this action based on the eleven member vote at the January 22, 2016 meeting of the Board, the Court need not determine the proper composition of the Board to rule on Defendants’ Motion.

⁵ By the terms of Article Four of both versions of the Bylaws, disputes concerning interpretation of the Bylaws are to be submitted to the party’s Judicial Council. The Court refrains from making any determination regarding the proper interpretation of the Bylaws not necessary to the resolution of the issues raised by Defendants’ Motion.

of the Democratic Party of the Virgin Islands, Defendants' Motion to Dismiss will be denied.

Permanent Injunction

Although the Supreme Court of the Virgin Islands has not yet established a definitive list of factors to be considered in issuing a permanent injunction, in *V.I. Taxi Ass'n v. V.I. Port Auth.*, the Superior Court conducted an extensive *Banks* analysis on this issue, synthesizing relevant precedent from the Supreme Court of the Virgin Islands, the Supreme Court of the United States, and many states. 2016 V.I. LEXIS 69 at *7-24 (V.I. Super. June 8, 2016). The Court finds the analysis in *V.I. Taxi Ass'n*, persuasive and adopts the standard for evaluating claims for permanent injunction articulated therein. Under this four factor test, in deciding whether to grant or deny a permanent injunction the Court must consider: 1) whether the moving party has demonstrated actual success on the merits; 2) whether the moving party has suffered or will suffer irreparable harm in the absence of an injunction; 3) whether potential remedies at law, if any, are inadequate; and 4) whether issuance of the injunction would serve the public interest. *Id.* at *19.

In granting a permanent injunction, the Court must state the terms of the injunction specifically, and "describe in reasonable detail the act or acts restrained." *Caribbean Healthways, Inc. v. James*, 55 V.I. 691, 699-700 (V.I. 2011). An injunction may not be broader than necessary to restrain the unlawful conduct, and must be narrowly tailored to fit the particular circumstances of the case." *Id.* As is the case in considering motions for preliminary injunction—wherein the most important factor is the likelihood of success on the merits—in the context of permanent injunctions the most important factor for consideration is whether the party has demonstrated actual success on the merits. *See Tip Top Constr. Corp. v. Gov't of the V.I.*, 2014 V.I. Supreme LEXIS 15 *2 (V.I. 2014) (explaining that in determining whether to grant a preliminary injunction,

ordinarily the most important factor will be likelihood of success on the merits).

In the context of preliminary injunctions, the Supreme Court has adopted a “sliding-scale” test, in which no one factor of the four factor test is dispositive, and the Court is instead required to evaluate all factors together and determine if, on balance, issuance of a preliminary injunction is warranted. *3RC & Co. v. Boynes Trucking Sys.*, 2015 V.I. Supreme LEXIS 22 at *17-18 (V.I. 2015). It is unclear to what extent a pure “sliding-scale” approach would be appropriate in the permanent injunction context, as logically a failure to actually succeed on the merits of the underlying claim supporting the injunction would end the inquiry and necessitate the denial of the request for a permanent injunction. However, as the Court finds that in this case Plaintiffs have satisfied all four factors including success on the merits, the Court need not reach this issue.

Success on the Merits

Cannons of statutory construction dictate that where two statutes irreconcilably conflict, the more recent statute controls. *See Simmonds v. People of the Virgin Islands*, 59 V.I. 480, 501 (V.I. 2013) (internal citations omitted). However, the Supreme Court has held that “repeal by implication is generally disfavored and should occur only when ‘the later statute expressly contradicts the original act’ or when ‘such a construction is absolutely necessary in order that the words of the later statute shall have any meaning at all.’” *V.I. Public Services Commission v. V.I. Water and Power Authority*, 49 V.I. 478, 486 (V.I. 2008) (quoting *Nat’l Ass’n of Home Builders v. Defenders of Wildlife*, 127 S. Ct. 2518, 2531 (2007)).

Here, the essence of Plaintiffs’ claim is that by refusing to include elections for party officers in the 2016 Democratic Party primary, the Defendant Boards have violated several

provisions of Title 18 Virgin Islands Code—including §§ 301(a),⁶ 303(c),⁷ 304,⁸ 341,⁹ 342,¹⁰ and 355¹¹—which indicate, or in some instances require, that the election of party officers must take place at the party primary. Defendants argue that 18 V.I.C. §232, providing that “the Board of Elections will be responsible for certifying the process to be used by any political party to select party officers and candidates for public office,” implicitly repealed any and all other provisions of Title 18 insofar as they contain language indicating that party officers are to be elected at the party primary. However, for the reasons discussed below, the Court finds Defendants’ argument unpersuasive.

To begin with, Defendants do not dispute that the plain meaning of sections 301(a), 303(c),

⁶ “Any political party in the Virgin Islands which is the officially recognized affiliate of either of the two major national political parties (of either the Democratic National Committee or the Republican National Committee) and each other political party or political body, one of whose candidates for election for a territorial office at the last preceding general election polled not less than five percent (5%) of the total number of valid ballots cast in the territory, shall be recognized as a political party within the territory, and, except as provided in sections 307 and 359 of this title or as otherwise provided by law, shall nominate all its candidates for public office, and shall elect the members of its territorial committee and such other party officers as its rules provide, by a vote of the electors enrolled as members of the party at the primary election in accordance with the provisions of this title.” 18 V.I.C. §301(a).

⁷ “The elected members of the territorial committee of a political party shall be elected at the primary election and shall serve for two (2) years. Each elector enrolled in a political party may, at the primary election, vote for members of the territorial committee up to the number at large and for the election district in which he registered to vote.” 18 V.I.C. §303(c).

⁸ “The members of the territorial committee shall meet for organization within 10 days following the primary, at such hour and place as shall be designated by the territorial chairman of each political party; provided, however, that the Supervisor of Elections shall designate the hour and place of the organization meeting of the first territorial committee of each party.” 18 V.I.C. §304(a).

⁹ “The Supervisor of Elections shall determine which organizations are political parties within the meaning of section 301 of this title, and, not later than the tenth Tuesday preceding each primary, shall transmit to each board of elections a list of such political parties which shall be entitled to nominate candidates and elect party officers at primaries.” 18 V.I.C. §341.

¹⁰ “Except as provided in sections 307 and 359 and as otherwise provided by law, all candidates of political parties, as defined in section 301 of this title, for public offices shall be nominated, and candidates for party offices which, under this title, are required to be elected by the party electors, shall be elected, at primary elections held in accordance with the provisions of this title and in no other manner.” 18 V.I.C. §342.

¹¹ “The names of all candidates for public office or party office in a primary election shall, in all cases, be arranged under the title of the office for which they are candidates, and each registered and enrolled elector shall be entitled to vote only for the number of candidates for each office as there are positions to be filled for such office.” 18 V.I.C. §355(b).

341, and 342 seems to require that candidates for party offices be elected at the primary elections. See 18 V.I.C. § 301(a) (“...and shall elect the members of its territorial committee and such other party officers as its rules provide, by a vote of the electors enrolled as members of the party at the primary election in accordance with the provisions of this title”); 18 V.I.C. §303(c) (“The elected members of the territorial committee of a political party shall be elected at the primary election...”); 18 V.I.C. §341 (“...shall transmit to each board of elections a list of such political parties which shall be entitled to nominate candidates and elect party officers at primaries.”); 18 V.I.C. §342 (“...and candidates for party offices which, under this title, are required to be elected by the party electors, shall be elected, at primary elections held in accordance with the provisions of this title and in no other manner.”). Additionally, in Defendants’ Closing Argument, filed June 10, 2016, Defendants argue that in addition to sections 301, 303, 341, and 342 the adoption of section 232 also implicitly repealed sections 304 and 355. Closing Argument, at 7. Thus, in a sense, Defendants have indirectly conceded that sections 304 and 355, though they contain no explicit language to that effect, also strongly imply that Title 18 requires that elections for party officers take place at the party primary.

Defendants base their argument for implicit repeal on an alleged conflict between the provisions discussed above and the language in 18 V.I.C. §232 stating that “the Board of Elections will be responsible for certifying the process to be used by any political party to select party officers and candidates for public office.” Defendants argue that because this section confers upon the Board of Elections the authority to certify the process used to elect party officers, the Board may therefore require that political parties hold their own elections for party officers, separate from the party primaries. See generally Defendants’ Brief in Support, filed May 31, 2016. Furthermore,

Defendants argue that a decision enforcing the plain meaning of sections 301, 303, 341, and 342, would necessarily render the “certifying the process” language of section 232 superfluous and strip this provision of all meaning. *Id.* at 5.

However, the Court finds no inherent conflict between section 232 and the other relevant provisions of Title 18 as there is no logical reason that those sections of Title 18 requiring that elections for party officers take place at the party primary cannot be read in harmony with section 232. Such a reading of Title 18 does not strip section 232 of all meaning. Rather, the only logical consequence of reading section 232 in conjunction with the other provisions of Title 18 is that the Board of Elections’ power to certify the process is constrained by the sole requirement that the election of party officers must take place at the party primary. The Board still retains the power to certify or reject all other aspects of the nomination and election process; including the process for obtaining nomination papers, the procedure for challenging candidates’ qualifications, the formatting of the ballot, and the method of funding the cost of conducting the election.

Additionally, by its own terms, section 232 confers upon the Board the power to certify the process used not only for electing party officers, but also for electing candidates for public office. *See* 18 V.I.C. §232. Thus, if the Court were to hold that the “certifying the process” language of section 232 implicitly repealed the statutory requirement that election for party officers be held at the party primary, then by extension the Court would also be stating that section 232 implicitly repealed those statutory provisions requiring that candidates for public office be elected at the primary as well. Such an interpretation would not only upend the long-standing statutory framework providing for the election of party officers and candidates for public office at the party

primary, but would also stand in opposition to the intent of the Legislature¹² in passing and subsequently amending 18 V.I.C. §232 to provide for a “compulsory” primary election in which “the people in the community regardless of political affiliations have the final say in electing their representatives whether it be party situation or public office.” Leg. B. 5112, Sess, L. 1971 (V.I. 1971).

Lastly, given that implicit repeal is a disfavored doctrine and must be used cautiously even when applied to invalidate a single statutory provision, the Court will not enter any ruling based on such general language as that of section 232 to invalidate not one, but at least six other sections of Title 18 which explicitly or implicitly require that elections for party officers take place at the party primary. Therefore, the Court finds that 18 V.I.C. §232 did not implicitly repeal sections 301(a), 303(c), 304, 341, 342, or 355 of Title 18 Virgin Islands Code.

Irreparable Harm

The Supreme Court of the Virgin Islands has defined irreparable harm as, “certain and imminent harm for which a monetary award does not adequately compensate.” *Yusuf v. Hamed*, 59 V.I. 841, 854 (V.I. 2013). Plaintiff Riise Richards testified that Plaintiffs would be irreparably harmed if they were forced to conduct their own elections for party offices because, in general, the membership of the Democratic Party of the Virgin Islands lacks both the resources and the experience required to do so. Plaintiff Richards testified that if the party were forced to conduct its own election, the party would be unable to ensure the integrity of the process. According to

¹² The only available legislative history pertaining to 18 V.I.C. § 232 concerns the 1971 amendment to the section which generally rephrased the section and changed the date of the primary election to July. The quotes summarizing the intent of the legislature in passing the Bill cited herein are the unchallenged statements of the Bill’s sponsor. The only debate surrounding the passage of the Bill concerned the most appropriate date for holding the primary election.

Richards, the party lacks the amount of volunteers necessary to effectively and efficiently run its own election. As a result the party would only be able to supply enough volunteers to staff a single voting location each on St. Croix and St. Thomas, which would likely disenfranchise those voters who, for whatever reason, are unable or unwilling to transport themselves to the sole polling place in each district. Additionally, Richards testified that the party lacks the resources to ensure that eligible party voters serving overseas in the military or who are otherwise not physically resident in the Virgin Islands would have the opportunity to participate in the election.

Moreover those volunteers the party could enlist to conduct the primary election lack the training and experience required to properly administer an election. This would inevitably lead to a loss of confidence in not only the results of the election, but in the integrity and viability of the party itself. Plaintiff Richards also testified that because the party lacks both the resources and experience necessary to ensure the security of the ballots, the election could be compromised or crippled by concerns or accusations of fraud.

In addition to the harm they would suffer as a consequence of the general loss of trust and faith in the Democratic Party as a whole, the individual Plaintiffs in this case would also suffer irreparable harm in that, as candidates for party office, they would be denied access to a reliably fair and impartial electoral process. Instead, these individual Plaintiffs would be subjected to the untested and uncertain prospect of a party-run election along with all the attendant distrust and suspicion that would accompany a last minute, untrained, and untested electoral operation. Should an individual Plaintiff lose the election to party office, she or he would never know whether the defeat was truly the result of a fair election or simply the byproduct of human error inherent in an understaffed, underprepared, and underfunded election. Should any of the individual Plaintiffs win

her or his election to party office, that individual would suffer similar doubts, and be subject to criticism from opponents that the primary victory was simply the result of an unfair and unreliable election; thereby diminishing the public reputation of the candidates individually and of the party as a whole.

Inadequacy of Remedies at Law

Because of the nature of the harm the Plaintiffs would suffer, no monetary award or other remedy at law could adequately redress Plaintiffs' injuries. The type of qualitative damage suffered as a result of the loss of trust in the electoral process cannot be quantified in monetary terms. A loss of faith in the ability of the Democratic Party to govern itself and the resulting loss of respect for the ability of candidates from that party to succeed in their roles as elected officials would harm the individual Plaintiffs and the party as a whole in ways that could not be compensated by an award of damages or any other remedy at law.

Public Interest

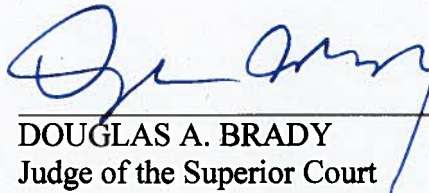
It undoubtedly serves the public interest for the Court to issue an injunction upholding the integrity of the electoral process in the territory, either with respect to an election for public office or for party officer. For the same reasons that Plaintiffs would suffer irreparable harm, so too would the public interest be detrimentally disserved were the Court to deny the request for injunctive relief. It is beyond dispute that the public interest is best served by interpreting the law to uphold the existence of a robust and trustworthy democratic electoral process. In the United States, this in turn necessitates the existence of a healthy two-party system in which the integrity and viability of both parties plays a vital role. In this light, a breakdown of trust in the Democratic Party's ability to conduct its affairs is tantamount to a breakdown of confidence in the democratic process itself.

Thus, the Court concludes that granting the Plaintiffs' prayer for injunctive relief prohibiting the Board of Elections from requiring the Democratic Party to conduct its own elections for party offices serves the public interest.

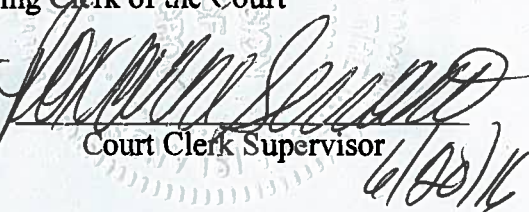
Conclusion

Because the Court finds that Plaintiffs were properly authorized to bring this action on behalf of the Democratic Party of the Virgin Islands by the January 22, 2016 vote of the Executive Committee, Defendants' Motion to Dismiss will be denied. Additionally, because Plaintiffs have demonstrated that Defendants' actions violate multiple sections of Title 18 Virgin Islands Code, and because the Court finds it best serves the public interest to prevent the irreparable harm to the Democratic Party and the individual Plaintiffs that would otherwise be inflicted, Defendants shall be enjoined from implementing and enforcing their decision to deny Plaintiffs the opportunity to include elections for party offices in the 2016 primary election. An appropriate Judgment Order shall issue herewith.

June 20, 2016


DOUGLAS A. BRADY
Judge of the Superior Court

ATTEST:
ESTRELLA GEORGE
Acting Clerk of the Court

By: 

Court Clerk Supervisor