

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

GOVERNMENT OF THE VIRGIN ISLANDS

Plaintiff)
)
)
)
)
VS)
)
LILLIANA BELARDO DE ONEAL)
GLENN WEBSTER)
IVY K. MOSES)

CASE NO. ST-18-CV-0000192

ACTION FOR: DECLARATORY JUDGMENT

Defendant

NOTICE OF ENTRY OF JUDGMENT

TO: ARIEL M.SMITH,ESQ
JULITA de LEON,ESQ

Please take notice that on May 10, 2018 a(n) JUDGMENT dated May 10, 2018 was entered by the Clerk in the above-entitled matter.

Dated: May 10, 2018

Estrella H. George
Clerk of the Court

TASHIKA HECTOR
COURT CLERK II

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN**

GOVERNMENT OF THE VIRGIN ISLANDS,)

Plaintiff,)

-vs-)

LILLIANA BELARDO DE O'NEAL, GLENN)

WEBSTER, ADELBERT "BERT" M. BRYAN,)

RAYMOND J. WILLIAMS, EPHIPHANE)

JOSEPH, LISA HARRIS-MOOREHEAD (sic),)

ARTURO WATLINGTON, JR., LYDIA)

HENDRICKS, CARLA JOSEPH, MAURICE)

A. DONOVAN, JR., ALECIA WELLS,)

DIANE J. MAGRAS-URENA, and IVY K.)

MOSES,)

Defendants.)

CASE NO. ST-18-CV-192

**ACTION FOR DECLATORY
JUDGMENT AND INJUNCTIVE
RELIEF**

JUDGMENT

AND NOW, consistent with the Court's Findings of Fact and Conclusions of Law contemporaneously with this Judgment, it is hereby

ORDERED ADJUDGED AND DECREED, that judgment is entered against the Defendants and in favor of the Government of the Virgin Islands on Count I of the Government's Complaint adjudging that the Defendants failed to convene as a single Board of Elections as required by Act No. 7892, as amended by Act No. 7982; and it is further

ORDERED ADJUDGED AND DECREED, that judgment is entered against the Defendants and in favor of the Government of the Virgin Islands on Count I of the Government's Complaint adjudging that all meetings of the St. Thomas and St. John District Board and the St. Croix District Board of Elections after August 1, 2017 were in contravention of Virgin Islands law; and it is further

ORDERED, ADJUDGED AND DECREED that judgment is entered against the Defendants and in favor of the Government of the Virgin Islands on Count I of the Government's Complaint adjudging that all decisions made by the St. Thomas and St. John District Board and the St. Croix District Board of Elections after August 1, 2017 are **VOID**; and it is further

ORDERED, ADJUDGED AND DECREED that judgment is entered against the Defendants and in favor of the Government of the Virgin Islands on Count II of the Government's Complaint adjudging that the Defendants have failed to meet as a single Board of Elections by

August 1, 2017 and failed to elect a Chair and Vice-Chair of the single Board of Elections as mandated by Act No. 7892, as amended by Act. No. 7982; and it is further

ORDERED, ADJUDGED AND DECREED judgment is entered in favor of the Government of the Virgin Islands and against the Defendants on the relief sought in Count III of the Government's Complaint, and the Defendants Lilliana Belardo de O'Neal, Glenn Webster, Adelbert "Bert" Bryan, Raymond J. Williams, Ephiphane Joseph, Lisa Harris-Moorhead, Arturo Watlington, Jr., Lydia Hendricks, Carla Joseph, Maurice A. Donovan, Jr., Alecia Wells, Diane J. Magras-Urena and Ivy K. Moses **SHALL CONVENE FORTHWITH** as a single Board of Elections and elect a Chair and Vice-Chair; and it is further

ORDERED, ADJUDGED AND DECREED that the members of the former Board of Elections of the St. Croix District and the members of the former Board of Elections of the St. Thomas and St. John District are **ENJOINED AND PROHIBITED** from conducting District Board of Elections meetings or Joint Board meetings in violation of Title 18 V.I.C. § 41 as amended by Acts Nos. 7892 and 7982; and it further

ORDERED, ADJUDGED AND DECREED that in accordance with Title 18 V.I.C. § 41, as amended by Act Nos. 7892 and 7982, the single Board of Elections is the only policy making body authorized to establish procedures for elections within the Virgin Islands; and it is further

ORDERED that a copy of this Judgment and the accompanying Findings of Fact and Conclusions of Law shall be directed to Assistant Attorney General Ariel M. Smith, Virgin Islands Department of Justice, and to Attorney Julita de León.

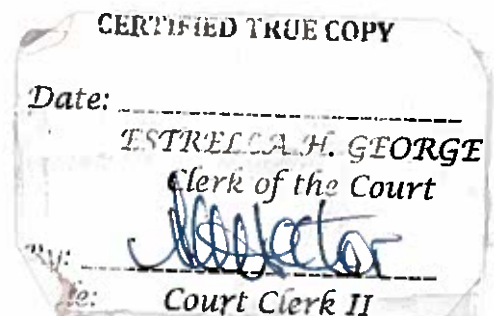
Dated: MAY 10, 2018



DENISE M. FRANCOIS
Judge of the Superior Court
of the Virgin Islands

ATTEST:
ESTRELLA H. GEORGE
Clerk of the Court


BY: DONNA D. DONOVAN
Court Clerk Supervisor 5/10/2018



IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

GOVERNMENT OF THE VIRGIN
ISLANDS

Plaintiff)

)

)

)

vs)

LILLIANA BELARDO DE ONEAL
GLENN WEBSTER
IVY K. MOSES

)

)

)

Defendant

CASE NO. ST-18-CV-0000192

ACTION FOR: DECLARATORY
JUDGMENT

**NOTICE OF ENTRY OF
Findings Of Fact And
Conclusions Of Law**

TO: ARIEL M.SMITH,ESQ
JULITA K. de LEON,ESQ

Please take notice that on May 10, 2018 a(n) Findings Of Fact And
Conclusions Of Law dated May 10, 2018 was entered by the Clerk in the
above-entitled matter.

Dated: May 10, 2018

Estrella H. George
Clerk of the Court


TASHIKA HECTOR
COURT CLERK II

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN**

GOVERNMENT OF THE VIRGIN ISLANDS,)

Plaintiff,)

-vs-)

**LILLIANA BELARDO DE O'NEAL, GLENN)
WEBSTER, ADELBERT "BERT" M. BRYAN,)
RAYMOND J. WILLIAMS, EPHIPHANE)
JOSEPH, LISA HARRIS-MOOREHEAD (sic),)
ARTURO WATLINGTON, JR., LYDIA)
HENDRICKS, CARLA JOSEPH, MAURICE)
A. DONOVAN, JR., ALECIA WELLS,)
DIANE J. MAGRAS-URENA, and IVY K.)
MOSES,)**

Defendants.)

CASE NO. ST-18-CV-192

**ACTION FOR DECLATORY
JUDGMENT AND INJUNCTIVE
RELIEF**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A bench trial on the merits was held in this matter on April 23, 2018.¹ Having heard the testimony of the parties and reviewed the trial exhibits and pleadings on file herein, the Court makes the following findings of fact and conclusions of law as required by V.I. R. Civ. P. 52(a)(1)(A).

I. FINDINGS OF FACT.

1. Defendant Lilliana Belardo de O'Neal is a resident of St. Croix and was elected by St. Croix voters to be a member of the Board of Elections.² On November 8, 2016, Belardo de O'Neal was elected by voters in the St. Croix District to a four-year term that expires in 2020.³

2. Defendant Glenn Webster is a resident of St. Croix and was elected by St. Croix voters to be a member of the Board of Elections.⁴ On November 8, 2016, Webster was elected by voters in the St. Croix District, and his term expires in 2020.⁵

3. Defendant Adelbert "Bert" Bryan is a resident of St. Croix and was elected by St.

¹ Plaintiff Government of the Virgin Islands was represented by Assistant Attorney General Ariel M. Smith. The Defendants were represented by Attorney Julita K. de Leon.

² Defs.' Answer ¶ 5.

³ Elections Systems of the Virgin Islands USVI General Election Official Results
<https://www.vivote.gov/sites/default/files/officialresults/Territorywide%20Election%20Summary.HTM>.

⁴ Defs.' Answer ¶ 6.

⁵ <https://www.vivote.gov/sites/default/files/officialresults/Territorywide%20Election%20Summary.HTM>.

Croix voters to be a member of the Board of Elections.⁶ On November 4, 2014, Bryan was elected by voters in the St. Croix District.⁷ Bryan's term expires in 2018.

4. Defendant Raymond J. Williams is a resident of St. Croix and was elected by St. Croix voters to be a member of the Board of Elections.⁸ On November 4, 2014, Williams was elected by voters in the St. Croix District, and his term expires in 2018.

5. Defendant Ephiphane Joseph is a resident of St. Croix and was elected by St. Croix voters to be a member of the Board of Elections.⁹ Ephiphane Joseph was elected on November 8, 2016 and his term expires in 2020.¹⁰

6. Defendant Lisa Harris-Moorhead is a resident of St. Croix and was elected by St. Croix voters to be a member of the Board of Elections.¹¹ Harris-Moorhead was elected on November 8, 2016,¹² and her term expires in 2020.

7. Barbara Jackson-McIntosh is a resident of St. Croix and was elected by the voters of the St. Croix District to the Board of Elections. Jackson-McIntosh was elected on November 4, 2014 and her term expires December 31, 2018.

8. Defendant Arturo Watlington, Jr. is a resident of St. Thomas and was elected by St. Thomas and St. John voters to be a member of the Board of Elections.¹³ On November 8, 2016, Watlington was elected by the voters of the St. Thomas and St. John District.¹⁴ Watlington's term expires in 2020.

9. Defendant Lydia Hendricks is a resident of St. Thomas and was elected by St. Thomas and St. John voters to be a member of the Board of Elections.¹⁵ On November 8, 2016, Hendricks was elected by the voters of the St. Thomas and St. John District.¹⁶ Hendricks' term expires in 2020.

10. Defendant Carla Joseph is a resident of St. Thomas and was elected by St. Thomas and St. John voters to be a member of the St. Thomas-St. John District Board of Elections.¹⁷ Carla

⁶ Defs.' Answer ¶ 7.

⁷ <https://www.vivote.gov/sites/default/files/officialresults/Territory%20wide.HTM>.

⁸ Defs.' Answer ¶ 8.

⁹ Defs.' Answer ¶ 9.

¹⁰ <https://www.vivote.gov/sites/default/files/officialresults/Territorywide%20Election%20Summary.HTM>.

¹¹ Defs.' Answer ¶ 10.

¹² <https://www.vivote.gov/sites/default/files/officialresults/Territorywide%20Election%20Summary.HTM>.

¹³ Defs.' Answer ¶ 11.

¹⁴ Board of Elections 2016 STT General Election Certification Report

<https://www.vivote.gov/sites/default/files/officialresults/2016%20STT%20General%20Election%20Signed%20Certification%20Report.pdf>.

¹⁵ Defs.' Answer ¶ 12.

¹⁶ <https://www.vivote.gov/sites/default/files/officialresults/Territorywide%20Election%20Summary.HTM>.

¹⁷ Paragraph 13 of Plaintiff's Complaint alleges "Defendant, Carla Joseph, upon information and belief, is a resident of St. Thomas and was elected by St. Thomas and St. John voters to be a member of the St. Thomas-St. John District

Joseph was elected on November 4, 2014, and her term expires in 2018.

11. Defendant Maurice A. Donovan, Jr. is a resident of St. Thomas and was elected by St. Thomas and St. John voters to be a member of the Board of Elections.¹⁸ Donovan was elected by voters of the St. Thomas and St. John District on November 8, 2016, and his term expires in 2020.¹⁹

12. Defendant Alecia Wells is a resident of St. John and was elected by St. Thomas and St. John voters to be a member of the Board of Elections.²⁰ Wells was elected on November 8, 2016, and her term expires in 2020.²¹

13. Defendant Diane J. Magras-Urena is a resident of St. Thomas. On November 4, 2014, Magras-Urena was elected by voters of the St. Thomas and St. John District to the Board of Elections,²² and her term expires in 2018.²³

14. Defendant Ivy K. Moses is a resident of St. John and was elected by voters of the St. Thomas and St. John District to be a member of the Board of Elections.²⁴ Moses was elected on November 4, 2014, and her term expires in 2018.²⁵

15. Prior to the passage of Act No. 7892 in 2016 and Act No. 7982 in 2017, Section 41 of Title 18 of the Virgin Islands Code allowed for the existence of two boards: the St. Croix District Board of Elections and the St. Thomas and St. John District Board of Elections, and a Joint Board of Elections comprised of both district boards.²⁶

16. On July 15, 2016, Act 7892 became law and amended Section 41(a) of Title 18 of the Virgin Islands Code to provide that "There is a single Board of Elections that governs both election districts."

17. Initially, Act 7892 was to take effect January 1, 2017.

Board of Election." Defendants admitted the allegations of paragraph 13 in their Answer. Defs.' Answer ¶ 13.

¹⁸ Defs.' Answer ¶ 14.

¹⁹ Board of Elections 2016 STT General Election Certification Report

<https://www.vivote.gov/sites/default/files/officialresults/2016%20STT%20General%20Election%20Signed%20Certification%20Report.pdf>.

²⁰ Defs.' Answer ¶ 15.

²¹ Board of Elections 2016 STT General Election Certification Report

<https://www.vivote.gov/sites/default/files/officialresults/2016%20STT%20General%20Election%20Signed%20Certification%20Report.pdf>.

²² Defs.' Answer ¶ 16.

²³ Board of Elections 2014 General Election Official Results

<https://www.vivote.gov/sites/default/files/officialresults/stt.HTM>

²⁴ Defs.' Answer ¶ 17.

²⁵ Board of Elections 2014 General Election Official Results

<https://www.vivote.gov/sites/default/files/officialresults/stt.HTM>.

²⁶ Defs.' Answer ¶ 18.

18. On March 3, 2017, Act 7982 became law, amended parts of Act 7892, and changed the effective date to July 1, 2017, providing that “[b]y August 1, 2017, all members of the district boards of elections shall convene as a single board of elections, elect from among its members a chairman and vice chairman, and establish procedures for the board’s operation.”²⁷

19. While both district boards have convened as the Joint Board of Elections on December 22, 2017 and on January 26, 2018, the members have not, as of April 23, 2018, convened as a “single” Board of Elections.²⁸

20. On the Joint Board Official Agenda for Joint Board meetings convened on December 22, 2017, and January 26, 2018, under New Business, was Act 7982, specifically relating to the election of officers for the single Board of Elections.²⁹

21. On December 22, 2017, and January 26, 2018, board members elected by St.

²⁷ Act No. 7982 states in its entirety, including its preamble:

An Act amending Act No. 7892 relating to the Board of Elections; providing for the temporary operation of the district boards of elections; directing the St. Thomas-St. John Board of Elections to conduct the special elections to fill the vacancy in the office of a member of the Legislature; providing for the transition of the district boards of elections to a single board of elections; designating the single Board of Elections as the only policymaking board in the election system; and for other related purposes.

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Act No. 7892 is amended in section 1, subsection (d), by striking paragraphs (2), (3), (5), and (6).

SECTION 2. Act No. 7892 is amended in section 2 by striking “January 1” and inserting “July 31”.

SECTION 3. Notwithstanding section 1 of Act No. 7892 and, subject to section 5 of this act, the district boards of elections remain in operations and shall administer the requirements of title 18, chapter 3 of the Virgin Islands Code.

SECTION 4. The St. Thomas-St. John District Board of Elections shall prepare for and conduct the special election to fill the vacancy in the membership of the Legislature.

SECTION 5. (a) By August 1, 2017, all members of the district boards of elections shall convene as a single board of elections, elect from among its members a chairman and a vice chairman, and establish procedures for the board’s operation.

(b) Notwithstanding any other statutory provision in title 18 to the contrary, the single Board of Elections shall assume and have jurisdiction, power, duties and responsibilities that were exercised by the district boards and those powers, duties and responsibilities of the Joint Board as are appropriately exercised by the single Board of Elections.

(c) The single board shall be the only policymaking body and shall establish the procedures of its operation.

²⁸ Defs.’ Answer ¶ 23.

²⁹ Defs.’ Answer ¶ 39.

Thomas, St. John and St. Croix voters convened joint board meetings.³⁰

22. At the December 22, 2017 meeting, the quorum was lost and therefore the board members in attendance were unable to vote and elect either a Chair or Vice Chair to convene business as a “single” board of elections.

23. According to Ephiphane Joseph, a decision was never made to convene as a single Board.

24. Lydia Hendricks testified that she was not sure what was supposed to happen in August 2017 because she was elected to a District Board and she questioned how all of sudden she could just be thrown onto another single Board.

25. After Hurricanes Irma and Maria in September 2017, the St. Thomas District Board met and discussed policies, including one to waive the \$25.00 charge for a voter ID cards in recognition that many persons may have lost their ID cards as a result of the hurricane.

26. There was Joint Board meeting on April 13, 2018, which included an executive session meeting of the Joint Board in which all members were present with the exception of member Barbara Jackson McIntosh. At the April 13 meeting various matters were discussed but no decisions were made.

27. Hendricks testified that, in the past, the St. Thomas/St. John District Board had committees which are no longer operational. In the past, there was a search committee to fill the position of Supervisor of Elections. There was also a committee to develop policies for staff and board members as to conduct.

28. Jackson McIntosh testified that she was informed by the Supervisor of Elections of the law creating a single Board of Elections and she received a copy at the Joint Board meeting on July 6, 2017.

29. Jackson McIntosh testified that Act 7982 was slated to be discussed at a Joint Board meeting on April 13, 2018, but she left the meeting after two board members said that Jackson McIntosh should not be at the meeting because she was “party to assisting the Attorney General’s office” in instant lawsuit.

30. Jackson McIntosh also testified that following a motion, discussion of Act 7982 and formation of a single Board was tabled pending action from the Court.

31. Jackson McIntosh resigned from her position as Chair of the Joint Board of Elections because she did not want to be a party to continuous meetings as a Joint Board.

32. Unlike Hendricks and Ephiphane Joseph, Jackson McIntosh believes that the

³⁰ Defs. Answer ¶ 49.

members can function as a single board because decisions that are being made with respect to polling places, the manner in which elections should be conducted, which are germane to both districts. A committee in each district could handle matters that are specific to a particular district and report back to the single Board.

33. Jackson McIntosh testified that members of the single Board could be informed based upon reports from the respective districts and then act accordingly.

34. Jackson McIntosh testified that policy decisions should be territory-wide and not made at the district level, otherwise there will be inconsistent results and voters may be treated differently according to district. One example of policies that can be inconsistently applied by district is a recent decision by the St. Thomas/St. John District Board to waive the \$25 voter ID fee following Hurricane Irma and Hurricane Maria.

35. Since the passage of Act 7892, as amended by Act 7982, the members of the district board of elections have not convened as a single board of elections.

36. Since the passage of Act 7892, as amended by Act 7982, the members of the district board of elections have not convened as a single board of elections, have not elected from among their members a chairman a vice-chairman and have not established procedures for the board's operation.

II. CONCLUSIONS OF LAW.

1. Title 4, section 32(a) of the Virgin Islands Code gives this Court jurisdiction over this civil action.

2. The Government of the Virgin Islands has the power to sue by such name pursuant to Section 2 of the Revised Organic Act.

3. The relief sought by the Government in its Complaint requires a determination of the validity of Act 7892, as amended by Act 7982. Pursuant to 5 V.I.C. §1261, the Court finds that the Government's Complaint contains sufficient factual allegations that gave rise to an entitlement to the requested declaratory relief because a justiciable controversy exists between the Government and the Defendants. Title 5 V.I.C. § 1261 authorizes the Court to declare the rights, status and other legal relations of the parties in this matter.

4. The legislative power and authority of the Virgin Islands is vested in the Legislature of the Virgin Islands.³¹

5. The legislative authority and power of the Virgin Islands extends to all rightful subjects of legislation not inconsistent with the Revised Organic Act of 1954 or the laws of the

³¹ Sect 5 of ROA.

United States made applicable to the Virgin Islands.³²

6. At issue in the instant case is whether the Legislature of the Virgin Islands violated Section 6(c)³³ of the Revised Organic Act and exceeded its authority with Acts Nos. 7892 and 7982 which established a single Board of Elections and eliminated the St. Croix District Board of Elections and St. Thomas and St. John District Board of Elections. A resolution of this issue requires an examination of Section 6(c).

7. The first step when interpreting a statute such as Section 6(c) is to determine whether the language at issue has a plain and unambiguous meaning. Section 6(c) begins with “[a]ll officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature by law may direct...” The officers and employees charged with the administration of the electoral system are appointed and are therefore distinguished from those board members referred to in the second half of Section 6(c). Representative districts or districts in the context of elections in the Revised Organic Act referred to districts from which persons, such as senators, are elected.

8. The second portion of Section 6(c) states: “Provided, however, That members of boards of elections, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.” This language does not create or require a separate board of election for each election district. It permits the Government of the Virgin Islands, through its Legislative branch, to establish the number of boards it determines, whether that number be one or more.³⁴

9. The Court finds that, as argued by the Government, Section 6(c) of the Revised Organic Act of 1954 only speaks to election districts and not district boards.

10. After the passage of the Revised Organic Act, the Legislature of the Virgin Islands enacted legislation, which was amended over the years, creating the statutory framework for elections in the Virgin Islands. Section 6(c) of the Revised Organic Act describes the “Virgin Islands and its representative districts.” In contrast, the separate board of elections for each of the two election districts within the Virgin Islands were created by the Legislature.

11. The creation of a single Board of Elections by Act No. 7892, as amended by Act No. 7982, to govern both election districts did not exceed the power and authority granted to the

³² Section 8 of ROA

³³ Section 6(c) of the Revised Organic Act provides:

All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such a manner as the legislature by law may direct; Provided, however, That members of boards of elections, which entities of government have been duly organized and established by the government of the Virgin Islands shall be popularly elected.

³⁴ Rules of construction located at 1 V.I.C. § 41 provides that “[w]ords importing the plural include the singular.”

Legislature by the Revised Organic Act.

12. Act No. 7892, as amended by Act No. 7982, requiring all members of the district boards of elections shall convene as a single board of elections, elect from among its members a chairman and vice chairman, and establish procedures for the board's operation, does not exceed the power and authority granted to the Legislature by the Revised Organic Act.

13. The creation of a single Board of Elections by Act No. 7892, as amended by Act No. 7982, did not eliminate the popular election of Board of Election members. Candidates to the Board of Elections will still be elected by the voters from their respective election districts. A single Board of Elections will carry out the same functions and duties as the former district boards.

14. The creation of a single Board of Elections by Act No. 7892, as amended by Act No. 7982, did not reduce or change the duties and powers of members of the Board of Elections.

15. The Defendants argue that the Act No. 7982 is defective and can have no force or effect because it does not have a "sunset" provision. However, this argument was made without citation to any legal authority. The Court finds no merit in Defendants' argument that Acts Nos. 7892 and 7982 are invalid because there is no sunset provision. The former district boards ended by August 1, 2017 when the single members were required to convene, or come together in a body,³⁵ as a single Board of Elections.

16. The Defendants argue that the Act No. 7982 is defective and can have no force or effect because it does not explicitly state that the two district boards will "merge". However, this argument was made without citation to any legal authority. The Court finds no merit in Defendants' argument that Acts Nos. 7892 and 7982 are invalid because there is no provision explicitly stating when or how the St. Thomas and St. John District Board of Elections and the St. Croix District Board of Elections will merge.

17. Defendants argue that the Government is seeking a remedy that should be given pursuant to a writ of mandamus, not a declaratory action because the Government is asking the Court to compel elected officials to do something, and normally such action requires the filing of a writ of mandamus. The Court finds that the Government's Complaint seeks enforcement of the Virgin Islands election laws as amended by Acts No. 7892 and 7982. Traditionally, writs of mandamus are used in an appellate context and the party seeking issuance of the writ must have no adequate means to attain the relief he desires."³⁶ The Court finds that mandamus is not the Government's exclusive remedy herein.

18. Contrary to the Defendants argument that the Acts violate the separation of powers doctrine, the Legislature of the Virgin Islands, which created the statutory scheme for the conduct of elections in the Virgin Islands, did not exceed its authority with the passage of Act No. 7892, as amended by Act No. 7982.

³⁵ Merriam Webster Dictionary-<https://www.merriam-webster.com/dictionary/convene>.

³⁶ *In re Le Blanc*, No. 2007-079, 2008 WL 2625225, at *3 (V.I. June 26, 2008) (citations omitted).

19. Any ambiguities created by Act No. 7892 were addressed by Act No. 7982. While Act No. 7982 is not perfect, it is clear on when the members are required to meet as a single board and that they are to elect a chair and vice-chair and establish procedures for the board's operation.

20. Defendants argue that Act No. 7982 do not provide for "the Boards to go away". The Court finds that the statutory language creating the separate boards was repealed by implication in light of the creation of a single board.³⁷ "It is settled that specific statutory provisions take precedence over general provisions which cover the same subject matter."³⁸

21. Act No. 7892, as amended by Act No. 7982, does not shorten the terms of members elected to the Board of Elections.

22. Act No. 7892, as amended by Act No. 7982, does not eliminate election districts.

Based upon the foregoing findings of fact and conclusions of law, judgment will enter in favor of the Government on Counts I, II and III of its Complaint. A separate judgment follows.

Dated: MAY 10, 2018



DENISE M. FRANCOIS
Judge of the Superior Court
of the Virgin Islands

ATTEST:

ESTRELLA H. GEORGE
Clerk of the Court

BY:


DONNA D. DONOVAN
Court Clerk Supervisor 5/10/2018

CERTIFIED TRUE COPY

Date: _____
ESTRELLA H. GEORGE
Clerk of the Court
By: 
Title: **Court Clerk II**

³⁷ *Simmonds v. People*, No. S.CT.CRIM. 2012-0074, 2013 WL 4404592, at *10 (V.I. Aug. 13, 2013) citing *V.I. Public Servs. Comm'n v. VI. Water & Power Auth.*, 49 V.I. 478, 486 (V.I.2008) (repeal by implication is generally disfavored," and reserved only for those cases where a clear and irreconcilable conflict exists between two enactments).

³⁸ *People v. Donastorg*, 54 V.I. 22, 37 (V.I.Super.Ct. 2011).