

FOR OFFICIAL PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

REPUBLICAN NATIONAL COMMITTEE;)
REPUBLICAN PARTY OF THE VIRGIN)
ISLANDS,)

Plaintiffs,)

v.)

VIRGIN ISLANDS BOARD OF ELECTIONS;)
CAROLINE F. FAWKES, in her official)
capacity as the Supervisor of Elections)
Systems, Virgin Islands,)

Defendants.)

Case No. 3:22-cv-0049

APPEARANCES:

ANDREW L. CAPDEVILLE, ESQ.
LAW OFFICES OF ANDREW L. CAPDEVILLE, P.C.
ST. THOMAS, VI

TYLER R. GREEN, ESQ.
CAMERON T. NORRIS, ESQ.
FRANK H. CHANG, ESQ.
CONSOVOY MCCARTHY PLLC
ST. LAKE CITY, UT,
For Plaintiffs

CHRISTOPHER M. TIMMONS, ESQ.
ASSISTANT ATTORNEY GENERAL
VIRGIN ISLANDS DEPARTMENT OF JUSTICE
ST. THOMAS, VI
For Defendants

JUDGMENT (CORRECTED)

BEFORE THE COURT are the parties' respective motions for summary judgment. (ECF Nos. 59, 61). For the reasons stated in the accompanying Memorandum Opinion of even date, it is hereby

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ORDERED that Defendants' Motion for Summary Judgment, filed on August 8, 2023, ECF No. 59, is **DENIED**; it is further

ORDERED that Plaintiffs Republican National Committee's and Republican Party of the Virgin Islands' Motion for Summary Judgment, filed on August 8, 2023, ECF No. 61, is **GRANTED, IN PART, and DENIED, IN PART**; it is further

ORDERED that 18 V.I.C. § 232 is deemed **UNCONSTITUTIONAL** to the extent it allows the Virgin Islands Board of Elections the right and authority to reject a political party's process used in selecting its party officers and candidates for public-office; it is further

ORDERED that 18 V.I.C. §§ 301(c)-(d) are **PREEMPTED** by the Lanham Act and are **VOID** to the extent they allow a Virgin Islands political party to use its national affiliates' trademarked symbol, emblem, or insignia without the approval of the owner of the trademark; it is further

ORDERED that 18 V.I.C. §§ 303(a)-(c), and 305 are deemed **UNCONSTITUTIONAL** and, hence, **VOID**; it is further

ORDERED that 18 V.I.C. § 304(a) is deemed **UNCONSTITUTIONAL** only to the extent it provides the Supervisor of Elections the authority to designate the time and location of the organizational meeting of the first territorial committee of each party after a primary election. This provision of section 304(a) is **VOID**. All other provisions stated in section 304(a) are valid and therefore, not unconstitutional. It is further

ORDERED that 18 V.I.C. §§ 301(a), 306(a), 307, and 342 are deemed **UNCONSTITUTIONAL** and hence, **VOID**;

ORDERED, ADJUDGED, and DECREED that **JUDGMENT** is **GRANTED** in favor of Plaintiffs Republican National Committee and Republican Party of the Virgin Islands and against Defendants Virgin Islands Board of Elections and Caroline Fawkes, Supervisor of Elections, on Plaintiffs' claim for violation of 42 U.S.C. § 1983; it is further

ORDERED, ADJUDGED, and DECREED that Defendants are hereby **ENJOINED** from enforcing the provisions of 18 V.I.C. §§ 232, 301(a), (c), and (d), 303(a), (b), and (c), 304(a), 305, 306(a), 307, and 342 as stated herein; it is further

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ORDERED, ADJUDGED, and DECREED that, consistent with this **JUDGMENT**, the following provisions of the Virgin Islands Code are **DECLARED UNCONSTITUTIONAL**: 18 V.I.C. § 232, 18 V.I.C. § 301(a), 18 V.I.C. § 303(a), (b), and (c), 18 V.I.C. § 304(a), 18 V.I.C. § 305, 18 V.I.C. § 306(a), 18 V.I.C. § 307, and 342.

Dated: January 10, 2024

/s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge