

Overseas Absentee Ballot Consent Decree in the Virgin Islands

United States v. Virgin Islands
(*Curtis V. Gómez, D.V.I. 3:12-cv-69*)

Eight days before a primary election, the government sought a consent decree on overseas absentee ballots, which had not been sent to overseas voters in time.

Subject: Absentee and early voting. *Topics:* Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); absentee ballots.

On August 31, 2012, the Justice Department filed a federal complaint in the District of the Virgin Islands¹ to enforce the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA),² as amended by the Military and Overseas Voter Empowerment Act of 2009 (MOVE Act).³ According to the complaint, for the Saturday, September 8, primary election for the Virgin Islands' delegate to the U.S. House of Representatives the Virgin Islands failed to transmit absentee ballots to overseas voters forty-five days before the election, and Virgin Islands election procedures would not result in the timely transmission of general-election absentee ballots either.⁴ With its complaint, the Justice Department filed a joint motion for an expedited consent decree.⁵ The court set a hearing for September 5 before Judge Curtis V. Gómez.⁶

Judge Gómez signed the consent decree on September 7.⁷ The decree specified express mail and email voting options and extended the deadlines for receipt of overseas absentee ballots.⁸

1. Complaint, *United States v. Virgin Islands*, No. 3:12-cv-69 (D.V.I. Aug. 31, 2012), D.E. 1.

2. Pub. L. No. 99-410, 100 Stat. 924, *as amended*, 52 U.S.C. §§ 20301–20311. *See generally* Robert Timothy Reagan, *Overseas Voting: The Uniformed and Overseas Citizens Absentee Voting Act* (Federal Judicial Center 2016).

3. National Defense Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84, 123 Stat. 2190, 2318–35.

4. Complaint, *supra* note 1.

5. Consent-Decree Motion, *United States v. Virgin Islands*, No. 3:12-cv-69 (D.V.I. Aug. 31, 2012), D.E. 2.

6. Docket Sheet, *id.* (Aug. 31, 2012).

Judge Gómez was replaced by Judge Robert Molloy in 2020. *See* Judicial Milestones, www.uscourts.gov/judicial-milestones/robert-molloy; Suzanne Carlson, *AG: 17-Year-Old VLT Contract Was Never Legal*, V.I. Daily News, May 12, 2020; Suzanne Carlson, *Judge Robert Molloy Confirmed to District Court*, V.I. Daily News, Feb. 26, 2020.

7. Consent Decree, *United States v. Virgin Islands*, No. 3:12-cv-69 (D.V.I. Sept. 7, 2012), D.E. 10; *see* Reagan, *supra* note 2, at 20–21; *Elections Accepts Consent Decree on Absentees*, St. Croix Source, Sept. 5, 2012.

8. Consent Decree, *supra* note 7.