



THE UNITED STATES VIRGIN ISLANDS
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

CLAUDE EARL WALKER, ESQUIRE
ATTORNEY GENERAL

VIA ELECTRONIC MAIL and HAND DELIVERY

October 21, 2016

Arturo Watlington
Chairperson
Joint Board of Elections
St. Thomas/St. John Board of Elections
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Lilliana Belardo de O'Neal
Chairwoman
St. Croix Board of Elections
P.O. Box 1499
Kingshill
St. Croix, V.I. 00851
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RE: Compliance with 18 V.I.C § 492

Dear Mr. Watlington and Mrs. Chairwoman Belardo de O'Neal:

I have confirmed that the current ballot for the upcoming November 8, 2016 election does not comply with Virgin Islands law. No party symbol was included as required by the statute. Specifically 18 V.I.C. § 492 states that

(d) Opposite or under the name of each candidate shall be printed the name of the political party and the political party symbol or political body which nominated him, and opposite and under the name of each candidate nominated by nomination papers which did not specify the name or appellation of the political body which he represents, shall be printed the word "Independent", and at the right of such party name or designation there shall be a square of sufficient size for the convenient insertion of a crossmark.

*Arturo Watlington, Chairperson
Lilliana Belardo de O'Neal, Chairwoman
Board of Elections
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You are advised to immediately comply with the statute and correct the ballot. As *Bryan v. Fawkes*, 61 V.I. 416, 467 (V.I. 2014) directs any absentee ballots or any ballots that were sent to UOCAVA ("Uniform and Overseas Citizens and Voting Act") voters that have already been cast on the existing ballots should be counted.

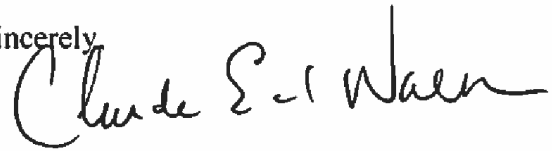
Additionally, it has come to our attention that the early voting scheduled for October 22, 2016 does not comply with 18 V.I.C. § 94a(d). The statute mandates that

(d) Early voting begins on the 14th day before an election and ends on the 3rd day before the election, and must be provided for no less than 8 hours and no more than 12 hours per day at each site during the applicable period.

Therefore, early voting should commence October 25, 2016 and end on November 5, 2016.

Your prompt attention to these matters is advised.

Sincerely,

A handwritten signature in black ink, appearing to read "Claude Earl Walker". The signature is fluid and cursive, with the first name "Claude" being the most prominent.

Claude Earl Walker, Esq.
Attorney General

cc: Senate President, Hon. Neville James
Senate Rules and Judiciary Committee Chairman, Hon. Kenneth L. Gittens
Members of the St. Thomas/St. John District Board of Elections
Members of the St. Croix District Board of Elections
Ms. Caroline Fawkes, Supervisor of Elections