



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

CLAUDE EARL WALKER, ESQUIRE
ATTORNEY GENERAL

September 7, 2016

VIA ELECTRONIC MAIL ONLY

Lilliana Belardo de O'Neal, Chairwoman
St. Croix Board of Elections
P.O. Box 1499, Kinghill
St. Croix, Virgin Islands 00851

Re: Affidavit of Challenge of Chairwoman Laretta Petersen of the Democratic Party

Dear Chairwoman Belardo de O'Neal:

I am in receipt of your letter dated September 6, 2016 requesting guidance on the challenge filed by Chairwoman Laretta Petersen of the Democratic Party on the validity of Alicia "Chucky" Hansen's voter registration. Chairwomen Petersen filed an Affidavit of Challenge that did not comply with 18 V.I.C. § 101(a).

Specifically, 18 V.I.C. § 101(a) provides that "any person claiming the right to register may be challenged by *any member of the board of elections or by a qualified elector* of the election district." (emphasis added); 18 V.I.C. § 101(a). This means that *either* a board member or a qualified elector has the right to challenge an individual's registration. In this instance, the Democratic Party through its Chairwoman made its appeal of Mrs. Hansen's voter registration pursuant to this statute section.

However, the Affidavit of Challenge did not comply with 18 V.I.C. § 101(c). This section states:

(c) The challenge affidavit shall be, in form, prescribed by the Supervisor of Elections, and shall contain spaces for the following information: (1) Serial number; (2) place and date of execution; (3) full name of challenged applicant; (4) whether he is married or single; (5) if married, where his family resides; (6) if single, where his parents reside; (7) where applicant actually resided immediately before he took up his present residence; (8) his residence for the four months immediately preceding date of execution; (9) the name of his present employer; (10) the election district, and town and street and number, if any, of his place of business; (11) the name of his last employer, and the year in which he left his employ; (12) the election district, and town and street and number, if any, of said last employer's place of business; (13) sex of the applicant; (14) the date of his birth; and (15)

*Lilliana Belardo de O'Neal, Chairwoman
St. Croix Board of Elections
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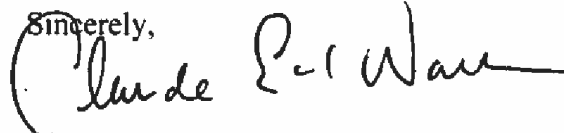
such distinguishing marks, peculiarities, and further information for identification as the board shall prescribe.

18 V.I.C. § 101(c).

Therefore, the Affidavit was defective and should have been rejected by the Board *ab initio*. The action of the St. Croix Board of Elections is flawed and should be corrected.

With regard to Board representation, transmit to me the date of your next board meeting with an agenda. I will identify an Assistant Attorney General to attend that meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Claude Earl Walker", written over a circular stamp or seal.

Claude Earl Walker, Esq.
Attorney General

cc Honorable Governor Kenneth E. Mapp
 St. Croix District Board of Elections
 St. Thomas District Board of Elections
 Caroline F. Fawkes, Supervisor of Elections