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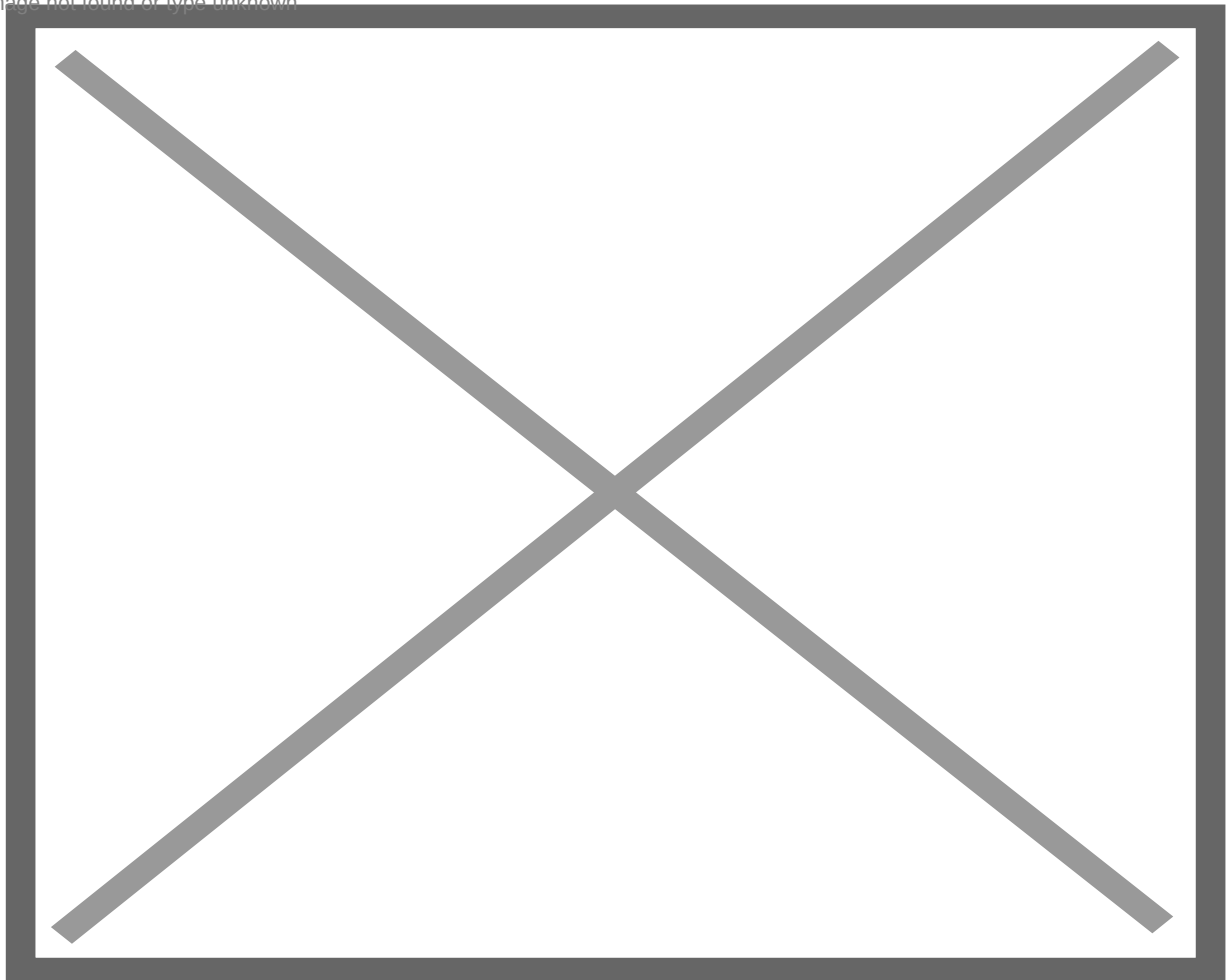
Bryan Broadens AG Request on Election Law as McClafferty Challenges Disqualification

Governor Albert Bryan Jr. broadened his request for an attorney general's opinion on ballot access, candidate certification, petition reviews and Board of Elections transparency as Brett McClafferty pursues federal court relief from disqualification.

Government / **Published On July 13, 2026 06:30 AM /**

Janeke Simon **July 13, 2026**

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Governor Albert Bryan Jr. By. GOV'T HOUSE.

Governor Albert Bryan Jr. has broadened and renewed his request for a formal attorney general's opinion on election law, asking for guidance on ballot access, candidate certification and removal, petition reviews, the respective powers of election officials and the Board of Elections' use of executive sessions.

The July 9 correspondence to Attorney General Gordon Rhea clarifies and supersedes an earlier request arising from the disqualification of congressional candidate Brett McClafferty. The expanded inquiry no longer centers on one candidate and instead seeks guidance on the wider legal framework governing elections throughout the territory.

On July 2, after receiving a request from Mr. McClafferty, Governor Bryan wrote to Mr. Rhea asking whether it would be appropriate to issue a formal opinion “addressing the legal questions” raised by the candidate. The attorney general reportedly declined to do so.

The governor’s follow-up now seeks an opinion on “the statutory and constitutional framework governing the powers of election officials, the procedures for candidate certification, the standards for ballot access and the transparency requirements that apply when the Board of Elections conducts public business.”

“These are questions about process, procedure and public confidence,” Governor Bryan said. “The people of the Virgin Islands deserve election rules that are clear, consistently applied and fully understood by those who administer our elections, those who seek public office and those who cast their ballots.”

Among the issues presented is the respective statutory and constitutional authority of the Board of Elections and the Supervisor of Elections in decisions involving the certification, removal, reinstatement or disqualification of candidates for public office.

The governor also wants the attorney general to identify what procedural protections may be necessary before a candidate who has already been certified can be removed from the ballot.

His request additionally seeks clarity on nomination petition requirements and the legal effect of subsequent petition reviews once a candidate has submitted enough valid signatures to meet the statutory threshold for ballot access.

The requested opinion would address how election officials should handle additional petition challenges or reviews after the required number of valid signatures has already been obtained.

Governor Bryan has also asked the V.I. Department of Justice to examine whether laws or regulations that substantially increase the burden of gaining ballot access comply with the U.S. Constitution, the Revised Organic Act of the Virgin Islands and other applicable law.

The review would include significantly higher signature requirements and provisions requiring candidates to collect signatures from each legislative district.

The governor’s letter also raises questions under the Virgin Islands Open Meetings Act. He is seeking guidance on whether Board of Elections members may deliberate in executive session on a candidate’s legal sufficiency or eligibility before voting publicly on certification or disqualification.

He also asked the attorney general to explain what matters may legally be discussed in executive session when the board is considering a candidate’s eligibility, certification or removal from the ballot.

Taken together, the questions seek guidance on the circumstances surrounding Mr. McClafferty’s disqualification without limiting the opinion to his case. The request also reaches more broadly into how nominations are administered and how the Board of Elections conducts public business.

The renewed request, according to the governor, “is to promote certainty, fairness, and public trust in the electoral process, particularly in areas where legal uncertainty may affect voter choice, candidate access and the conduct of public business.”

“Elections are not strengthened by uncertainty,” Governor Bryan said. “When questions arise about who has authority, what process is required and how the law should be applied, the responsible course is to seek clear legal guidance. That guidance should serve the public and strengthen confidence in the system.”

Mr. McClafferty serves on the governor’s gun violence prevention advisory council. Governor Bryan nevertheless maintained that the expanded request is “institutional in nature...intended to assist in the consistent administration of election laws across the territory.”

“The integrity of our elections depends not only on the outcome of an election, but on the public’s confidence that the process is fair, transparent and grounded in law,” Governor Bryan said. “This request is about protecting that confidence and ensuring that the rules governing ballot access are applied clearly, fairly and consistently.”

The governor asked the Attorney General’s Office to issue its formal opinion at the earliest practicable opportunity.

Meanwhile, Supervisor of Elections Caroline Fawkes and Board of Elections Chairman Raymond Williams are awaiting a District Court ruling on an emergency motion filed against them by Mr. McClafferty.

Mr. McClafferty is seeking a temporary restraining order and preliminary injunction requiring election officials to recertify his candidacy and preventing them from enforcing his disqualification while his complaint is litigated.