

The Virgin Islands Consortium

Judge Denies Hansen Restraining Order Against St. Croix Board Of Elections; Reschedules Hearing For Wednesday

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Former Senator Alicia 'Chucky' Hansen.

ST. CROIX -- Superior Court Judge Douglas A. Brady -- [in a judgement issued Monday](#) -- denied Alicia Hansen, whose birth name is Alden Alicia Pickering, a temporary restraining order that would have blocked the St. Croix Board of Elections from keeping her name off of the November General Election ballot.

But Judge Brady's decision was not because Mrs. Hansen's case was without merit, but rather because the candidate would suffer no immediate harm, he said, as September 16 -- the deadline for ballots to be printed -- had not yet arrived.

Citing rule 65 of the Superior Court, Judge Brady said that the court may only issue a temporary restraining without notice to the adverse party if: A) Specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss or damage would result to the movant before the adverse party can be heard in opposition; and B) The movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

"Although the plaintiff's motion presents a compelling argument to demonstrate that she will suffer irreparable injury if the Board of Elections is allowed to disqualify her from running as a candidate on the 2016 election ballot, the motion clearly states that the ballots are not set to be printed until September 16, 2016," wrote Judge Brady. "Thus, plaintiff, by her own admission, will suffer no immediate, irreparable injury justifying the issuance of a temporary restraining order *ex parte*, provided that defendants may be heard in opposition prior to September 16, 2016.

"Therefore, Judge Brady continued, "the court will deny plaintiff motion for temporary restraining order and set plaintiff's motion for preliminary injunction for hearing on September 14, 2016 at 2:00 p.m."

The Joint Board of Elections is set to meet today at 10:00 a.m., where it is expected that the issue surrounding Mrs. Hansen's eligibility to be on the ballot will be among the topics discussed.

Backstory

What has become a complex matter involving the names of Mrs. Hansen and her eligibility to be a candidate on the November General Election ballot, started when Mrs. Hansen decided to make her moniker, "Chucky", her official middle name. The change was prompted by an updated Virgin Islands law that says candidates running for office can either choose to place on election ballots their first and last name, or their moniker and last name; not both.

Mrs. Hansen wanted both, so she went to the Superior Court — with birth paper documents revealing her name to be Alden Alicia Pickering — to make the change legal.

In her July 12 petition, Mrs. Hansen told the court the name change was to "make all of my documents consistent with the name I've been known as for all my life, that is reflected on my United States passport, and that the public is familiar with as a senator and politician for the last 25 years."

But the petition did not address why a name that the same petition did not recognize as her legal name has been used for so many years.

On August 31, the St. Croix Board of Elections [voted to remove](#) Mrs. Hansen from the November General Election ballot. They also voted to request an investigation into Mrs. Hansen's eligibility to be a candidate, contending that the issues surrounding her name were to be carefully looked at by the Department of Justice, more pointedly Attorney

General Claude Walker's office, which would then determine whether Mrs. Hansen had committed fraud and should be permanently banned from this year's ballot, or whether she should be allowed to run.

A motion made by board member Raymond Williams following the successful vote to remove Mrs. Hansen from the ballot, also blocked Elections Supervisor Caroline Fawkes from sending St. Croix ballots to be printed before being authorized by the board; a move aimed at stymieing any move by the supervisor to ignore the board's decision.

But at a press conference held at Gertrude's Restaurant on September 1, Mrs. Hansen [pledged to defend her candidacy](#), emphatically stating her name as Alicia "Chucky" Hansen, and contending that the controversy was one made to derail her chances of being elected by the Virgin Islands Democratic Party.

"There is no other than Alicia Chucky Hansen," she began, moving on to thank her supporters for their relentless passion and unwavering stance. "I want to say to you that we knew that when we decided to join this race, we were fully aware that the opposition would try something — anything — to try to block us from being on the ballot."

Far from done is Mrs. Hansen's fight. She said she had retained attorney Lee Rohn to battle her cause in court, and would take whatever legal avenues there were to be on the November General Election ballot.

The former senator, revealing that she had never met her biological father, also tried to explain the controversy surrounding her names, stating that her adopted parents, whose last name was Hansen, took her from a young age and gave her their surname. She cited Virgin Islands Code, stating that the law makes clear that a candidate does not need to have on the ballot his or her name listed as is on the birth certificate; one could either use their moniker and surname, or legal first name and surname, not both. This very issue was [discussed at a June St. Croix Board of Elections meeting](#). Mrs. Hansen noted that the law also makes clear that the name one registers as, is the name that must be used. What she did not state, though, is that that name first must be accepted as legal. In dispute is whether Alicia "Chucky" Hansen is legal at all, since Mrs. Hansen's birth name, which she petitioned the Superior Court to change in July, remains Alden Alicia Pickering.

Mrs. Hansen then pointed to her husband of 40 years, and said she had the marriage certificate to prove it. Taking her word for it, Mrs. Hansen's legal name — barring any changes that she might have made at that time — should have been Alden Alicia Hansen after receiving her husband's last name. The senator also provided a certification document from Miguel A. Rodriguez, special assistant to the secretary of education in Puerto Rico, which she says backs up her claim that she had been called Alicia Hansen after being adopted.

That document, however, lists Mrs. Hansen as [Alicia Hansen Calendario](#).

Pressed after her talk for clarity, Mrs. Hansen reiterated what she said from the onset: that from her adoption, she had been known as Alicia Hansen, even though her birth paper said Alden Alicia Pickering.