

The Virgin Islands Consortium

Judge Orders Board Of Elections To Place 'Chucky' Hansen Back On General Election Ballot

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ST. CROIX -- In an judgement issued late Friday, Judge Douglas A. Brady [has ordered](#) the St. Croix Board of Elections, the Joint Board of Elections and Elections Supervisor Caroline Fawkes, to reinstate senatorial candidate Alicia "Chucky" Hansen to the 2016 General Election ballot.

The order did not come as a surprise, as the Wednesday hearing foreshadowed a favorable outcome for Mrs. Hansen. She told The Consortium on Wednesday that she felt "very good" about her odds, and pointed to a comment Judge Brady made near the end of the hearing. "The judge made a good point, which is due process," she said. Mrs. Hansen was granted permanent injunction against the St. Croix Board of Elections, et al.

The court's conclusion

Because the court finds that 18 VIC § 100 (c) (1)-(2) requires only that a registrant provide his or her surname and Christian name in accordance with definitions of those terms adopted herein, and because the court finds that the plaintiff's voter registration has been in full compliance with those requirements since at least 2008, the court concludes that the plaintiff has demonstrated actual success on the merits of her claim that defendant St. Croix Board of Elections unlawfully removed her name from the 2016 General Election ballot. Additionally, the court finds that both plaintiff and the electorate of the Virgin Islands would suffer irreparable harm if defendants St. Croix Board of Elections, Joint Board of Elections and Caroline Fawkes in her capacity as supervisor of elections, are not enjoined from implementing the decision to remove plaintiff from the 2016 General Election ballot based upon a failure to comply with 18 VIC § 100 (c) (1)-(2), and that in this light, the issuance of permanent injunction best serves the public interest.

Mrs. Hansen had requested of the court that the Board of Elections place her name back on the General Election ballot, as the board had not made known why it had removed Mrs. Hansen and, importantly, had not given the candidate due process.

Attorney Lee Rohn, who represented Mrs. Hansen, had brought forth a powerful case against the defense. Bringing Mrs. Hansen to the stand, the attorney questioned the former senator on a myriad of topics, including when she registered to vote and the documents that were used, all in an effort to convince the court that the board had little reason to remove the candidate from the ballot.

Speaking under oath, Mrs. Hansen said when she visited the Superior Court in July to add "Chucky" as her official middle name, she was told that she had to sign her name as it was on her birth certificate, which is Alden Alicia Pickering. Mrs. Hansen said she told the court employee that Alden Alicia Pickering was not her name, but was told that she had to sign as if it were anyway.

Mrs. Hansen said she has never used another name aside from either Alicia Hansen or Alicia "Chucky" Hansen. When she registered to vote in 1972, Mrs. Hansen said she brought her birth certificate — which listed her as Alden Alicia Pickering — and her Social Security card, which included Alicia Hansen. A Social Security card does not identify someone as a U.S. Citizen, but the Board of Elections used the name found on the Social Security card and not the birth certificate.

In 2008, Mrs. Hansen reregistered at the Board of Elections, bringing her marriage license as proof, and a Virgin Islands Water and Power Authority bill as evidence of her residence. She did not bring her birth certificate, she said. When asked by defense attorney Erika Scott if she had her name as Alicia Hansen on some documents and as Alden Alicia Pickering on others, Mrs. Hansen said aside from her birth certificate, Alden Alicia Pickering should not be on any other document, "because I have not used it."

Ms. Rohn also brought to the stand Esdel E. Hansen Sr., husband of Mrs. Hansen. Mr. Hansen said he first met his wife in 1971 when she came to visit his mother, and it was then that their relationship started. He said he would visit Mrs. Hansen in Puerto Rico often, where she lived with her adopted parents who also carried the last name Hansen. In 1976, he asked his then-fiance's parents' for her hand in marriage. When Mrs.

Hansen's adopted father died, her adopted mother moved to St. Croix to live with the Hansens. She later died and was buried at the Christiansted Cemetery, according to Mr. Hansen.

Mr. Hansen said for the decades that he's known his wife and even before they were married, he's only known her to be Alicia Hansen or Alicia "Chucky" Hansen.

Ms. Rohn, in building her case, said that the St. Croix board did not give Mrs. Hansen adequate notice that she was being removed from the ballot; never gave her an opportunity to present evidence as to why she should not be removed; was not given an opportunity to cure; and was never told the reasons why her name was banished from the ballot.

And the defense struggled to explain why she was removed; even if it was able to establish that Mrs. Hansen was notified of a Democratic Party challenge that alleged inconsistencies with her candidacy following revelation that her birth name was Alden Alicia Pickering. The board established that Mrs. Hansen was given three days notification that there was a challenge to her candidacy.

Strengthening the prosecution's case, Elections Supervisor Caroline Fawkes — who had received a letter from St. Croix Board Administrative Assistant Terrell Alexander, on the behalf of board member Aldelbert Bryan, asking that Mrs. Hansen registration be cancelled because of the issues surrounding the legality of her name — said Mrs. Hansen was not given due process, which is required by Virgin Islands law. Ms. Fawkes later added that the law itself remains vague in describing due process.

In closing, contending that the board had provided no evidence that Mrs. Hansen's name was deficient, the plaintiff's attorneys argued that there was no law locally or in the U.S. that says someone can't hold a name other than the one listed on their birth certificate, pointing to Alicia Hansen being recognized locally through her driver's license, and by the federal government through her passport, which also says Alicia Hansen. Furthermore, the plaintiff's lawyers argued, the Democratic Party cannot vote as an entity, so its argument should be void.

The plaintiff's lawyers went on, stating that Alden Alicia Pickering, who became Alicia Hansen when she married her husband, is legal, because "no law says you have to use both [first] names. The code requires that you put your surname."

Feature Image: From left to right: Alicia "Chucky" Hansen and ardent supporter Judith Lewis-Figueroa, leaving the Superior Court on Wednesday following a hearing. (Credit: Ernice Gilbert, VIC)