

## Dr. Cleopatra Peter's Testimony as a Concern Citizen

Greetings to Senator Avery Lewis, Chair of the Committee on Government Operations, Veteran Affairs and Consumer Protection, to the Senators of the 36th Legislature, and to all viewing and listening audience.

My name is Dr. Cleopatra Peter, and I am honored to have the opportunity to testify before the 36th Legislature of the Virgin Islands of the United States. As an advocate for this community—serving as a board member and a chiropractor—I am, above all, a Virgin Islander and a concerned citizen of this territory.

As a resident, I am passionate about advocating for several critical initiatives in our community; establishing state-of-the-art hospitals across all three islands; creating modern schools equipped with the latest technology for our children to learn and excel; enhancing agriculture to promote self-sufficiency in the face of ongoing regional and global crises; ensuring utility services are functioning and affordable; and constructing safe, well-maintained roads that are gentle on our vehicles. Our goal must be to elevate the Virgin Islands and make them great for everyone.

Nevertheless, these ambitions will remain only dreams if we do not guarantee free and fair elections in our territory. I am a native Virgin Islander who left for many years and returned in 2018. The first election after returning, I participated in was in 2022. I was appalled to learn that votes were not being counted where they were cast. This is a serious concern.

Free and fair elections are the cornerstone of any democracy. When our citizens lose confidence in the integrity of our electoral process, we all suffer. This lack of trust contributes to ongoing issues such as inadequate healthcare services, deteriorating schools, declining agriculture, rising utility costs, and infrastructure problems—like terrible roads that damage vehicles and cause accidents—leading to loss of income and even lives.

Look at the November 2022 election, Senator Kurt Vialet raised concerns about election integrity in a letter to U.S. Attorney Delia Smith. He referenced past issues, including the 2012 election, where about 3,000 ballots went missing—a problem that still shadows our elections. A 2015 report in the St. Thomas Source also called for investigations into ballot disappearances. Even after a decade, many still question whether that election was fair.

Senator Vialet also highlighted troubling discrepancies in the 2022 results at John F. Kennedy precinct. During early voting, the Bryan/Roach team received 63 votes (52%), but on election day, they only received 54 votes, while the Vialet/Sarauw team's votes increased from 58 (48%) to 107 (67%). These inconsistencies suggest that votes are not being counted accurately.

This letter from our current senator underscores persistent issues from 2012 and 2022. Sadly, little has changed. I believe one of the problems is simple, we need to follow

the federal law, 52 USC 21081 and protect the use of the paper ballot voting systems. In addition, votes need to be counted where they are cast.

In August 2023, the Supervisor of Election presented her written testimony to the Committee on Finance and it stated, "I commend this body, all Members of the 34th Legislature for unanimously supporting Bills No. 34-319, 34-320, 34-321, 34-322, 34-323, 34-457, 34-460, 34-461 and 34-462 and signed by Governor Bryan creating Act 8690. With the passage of these amendments, the execution of Elections falls under the purview of the Office of the Supervisor of Elections in line with other jurisdictions in the United States. For the past sixty years, the Board of Elections has done a remarkable job conducting elections and now the Office of the Supervisor will maintain these ambitious standards and continue to build upon our past successes. Our elections are on the top tier in the region and our sights are on the world. ***The 2024 Election Cycle will be the first in which the Office of the Supervisor of Elections will solely execute the Election cycle.***"

However, Title 18, Section 47 clearly states "The boards of elections, within their respective election districts, have jurisdiction over the registration of electors and the conduct of primaries and elections..."

On October 28, 2024, our Attorney General, Gordon Rhea, wrote in his Opposition to Dismiss Motion [of the Supervisor of Election], "Indeed, the Virgin Islands Supreme Court has ruled—that ***[m]embers of the Boards of Elections are expressly charged with overseeing all aspects of the primary and general elections conducted in the Virgin Islands and subject to judicial review, have the final say on all election related matters.***"

*Then our AG expounded and went a little further and stated, "Clearly Ms Fawkes is subordinate to the Board. And to ignore this fact would render Section 4 a nullity."* Section 4 is the powers, duties and functions of Supervisor of Elections. "Nullity" means the state of being null, invalid, or legally void. It refers to something that has no legal effect or is considered non-existent in the eyes of the law.

Yet, the Supervisor claims control over elections in 2024 and beyond and some Board members cosign that check, which mean the last election was fraudulent and they have disenfranchised and continue to disenfranchised every Virgin Islander.

On October 17, 2024, three days after early voting began, the Supervisor of Elections filed a lawsuit against the entire US Virgin Islands Board of Elections and 9 board members. The Supervisor of Elections' motion was to prevent the Board of Elections from determining whether a candidate meets the qualification established by law for election or nomination and placing said candidate on the ballot.

*The AG's Opposition to Dismiss Motion stated, "As more fully set forth below declaratory relief should be denied because Plaintiff lacks capacity to bring an action in her official capacity or to retain private counsel to do so; because her claims fail as a matter of law; and because the factors to be weighed when considering injunctive remedies do not support entry of an injunction in this case."*

I inserted the above paragraph in AI to example it in layman terms and it states:

This passage means that the court should deny the request for declaratory relief (a legal declaration of rights) for several reasons:

1. The Plaintiff does not have the legal authority (capacity) to bring the case in her official role or to hire private lawyers to do so.
2. The Plaintiff's legal claims are not valid under the law.
3. The reasons courts consider when deciding whether to issue an injunction (a court order to stop or require certain actions) do not favor granting such an order in this situation.

In short, the court is saying the Supervisor of Election's request for a formal legal declaration should be rejected because she lacks the proper authority, her claims are legally flawed, and the circumstances do not justify stopping or requiring actions through an injunction.

In addition, this filing occurred during early voting which clearly constitute election interference. Worst of all, the Supervisor of Election created and distributed a form called "Voter Refusing to Use Tabulator" during the general election, which is in violation of Federal Election and Voting Rights, 52 USC 10101 (b) Intimidation, threats, or coercion. In Virgin Islands Code Title 18 Section 4 clearly states, "The Joint Boards shall be the policy-making body of the Virgin Islands Elections System." Surprisingly, the Board of Election was not aware of that form. As a result, myself and a few voters has brought a federal lawsuit against the Supervisor of Election in the District of Columbia.

This problem steam from a Committee on Rules and Judiciary Hearing that occurred on September 8, 2022, when the Supervisor of Election testified in support of 9 amendments. Only Senator Carla Joseph inquired about the whereabouts of the Chairperson, because some of those amendments were diminishing the power of the board. The Supervisor responded that the board gave her authorization, but to date, no transcript of any board meeting confirms her statement. The board has 14 members, but none were present to represent its interests and the people's interest. The board continues to face significant challenges.

In December 2022, Senator Kenny Gittens special ordered to the floor and attached those 9 amendments to Bill 34-0298 and it ultimately became Act 8690. We must work diligently to amend or repeal parts of Act 8690 that diminish the power of the board and ensure that elections are free, fair, and transparent here in these Virgin Islands.

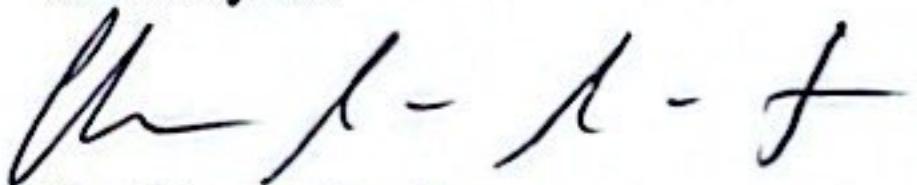
In conclusion, I strongly support Bill 36-0187. Some may say we don't need to go backwards, but we are not going backwards we are following federal law, 52 USC 21081(E), which specifically states to make available any materials to the voter (such as notices, instructions, forms, or paper ballots). If the public still references 3000 missing ballots from 2012 and our current senator reference irregularities in the 2022 election and it is apparent ballots are moving before being counted, it clearly shows

we have lost our way. It only makes sense to follow federal law using paper ballot and count the votes where they are cast.

Elections are the foundation of our democracy—they are the most sacred aspect of our governance. Their integrity must always be protected. Our children and elders depend on it, and our democracy needs it. With free and fair elections, we can achieve our vision of state-of-the-art hospitals, modern schools, sustainable agriculture, affordable utilities, and safe roads. Unfair elections threaten our democracy and can subtly lead to controlling regimes, gentrification, and a mass exodus from our territory.

Let us work together to make these Virgin Islands great for ALL—A-WE!

Thank you.



Dr. Cleopatra Peter  
Concerned Citizen