



U.S. Department of Justice

RONALD W. SHARPE
United States Attorney
District of the Virgin Islands

Ron de Lugo Federal Building and U.S. Courthouse
5500 Veterans Drive, Suite 260
Charlotte Amalie
St. Thomas, VI 00802-6424

PRESS RELEASE

FOR IMMEDIATE RELEASE

October 28, 2010

U.S. Enforces Law Protecting Voting Rights of VI Service Members

St. Thomas, USVI –As part of its efforts to ensure that all military and overseas voters can exercise their right to vote, and have their votes counted in the upcoming federal election on November 2, 2010, the U.S. Department of Justice was able to get the U.S. Virgin Islands to commit to sending absentee ballots to all military and overseas voters at least 45 days before the election, United States Attorney Ronald W. Sharpe announced today.

Enacted in 1986, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) protects the right of service members to vote in federal elections regardless of where they are stationed. This law requires that states and territories allow members of the U.S. Uniformed Services and merchant marine, their family members and U.S. citizens residing outside the United States to register and vote absentee in elections for federal offices.

UOCAVA was expanded significantly in 2009, when Congress passed the Military and Overseas Voter Empowerment (MOVE) Act to provide greater protections for service members, their families and other overseas citizens. Among other provisions, the MOVE Act requires states to transmit validly requested absentee ballots to UOCAVA voters no later than 45 days

before a federal election, when the request has been received by that date, except where the state has been granted an undue hardship waiver approved by the Department of Defense for that election.

The Department of Defense determines whether to grant waivers to states that are unable to comply with the MOVE Act requirement to mail ballots by the 45th day before a federal election. This year, 12 states and territories applied for waivers, including the Virgin Islands. Six requests for waivers, including the Virgin Islands' request, were denied. Five were approved and one withdrawn.

The department filed lawsuits against five states to compel compliance with the law, but was able to reach an agreement with the Virgin Islands without the need to file a lawsuit.

On September 2, 2010, the department reached an agreement with the Virgin Islands wherein the Virgin Islands committed to sending absentee ballots for federal office (the Virgin Islands' Delegate to Congress) on or before September 18, 2010, the 45th day before the election.

"I am firmly committed to ensuring that our men and women serving overseas have the opportunity to vote and to have that vote counted," United States Attorney Sharpe said. "I will continue to aggressively enforce the UOCAVA and the MOVE Act to achieve compliance."

Alphonso Andrews, an Assistant United States Attorney and Deputy Chief of the Criminal Division, was recently appointed District Election Officer by US Attorney Sharpe. As District Election Officer, Andrews will be on duty while the polls are open on November 2, 2010, to respond to complaints of election fraud or voting rights abuses and to ensure that such complaints are directed to the appropriate authorities. Andrews is the local point of contact for

reporting complaints concerning discriminatory voting practices, election fraud, voter harassment or intimidation, and other voting rights violations. He can be reached at 340-773-3920.

In addition, the Federal Bureau of Investigation will have Special Agents available in the Virgin Islands to receive allegations of election fraud, intimidation, suppression and other election abuses. To file complaints with the FBI, voters may call 340-777-3363.

Voters may file complaints directly with the Voting Section of the Justice Department's Civil Rights Division in Washington, D.C. at 800-253-3931 or 202-307-2767.

For more information about the Voting Rights Act and other federal voting laws, visit www.justice.gov/crt/voting/index.php.