

Good morning, Senator Diane T. Capehart, Chairwoman, members of the Committee on Rules & Judiciary, and other members of the 35th Legislature of the Virgin Islands, Central Staff, testifiers, and friends.

On behalf of the Democratic Party of the Virgin Islands, it is a privilege to come before you today at your invitation to provide testimony in support of Bill Number 35-0032, an Act repealing and reenacting title 18 Virgin Islands Code, chapter 1 section 2, relating to government employees eligibility for elected office, to allow government employees to run for political office while actively employed, unless specifically prohibited by federal or other laws.

As a former Senator that served in the 33rd Legislature of the Virgin Islands and as a Delegate to the 5th Constitutional Convention I understand personally the difficulties in running for public office and understanding which public offices require taking a leave of absence or not having to take a leave of absence. Bill No 35-0032 is necessary and long overdue to clarify those public office positions and allowing a government employee that seeks public office to remain actively employed while seeking that office and better defining the requirements and responsibility of election system employees seeking to provide public service as well.

Now, I would like to share a few recommendations to be considered for amendments in the following areas:

Section 1. (b)(1) Take any part in managing a campaign, or campaign for public office or otherwise engage in political activity while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the Government.

This section does not consider that not every candidate for public office will have the financial capacity or support network to build a great team, but are passionate about our community and want to make a significant contribution. More importantly, When considering the pool of qualified campaign managers or those that have participated in a political bootcamp, worked in leadership roles and other campaigns or may not want to support that candidate is an identifier of the shortfall of campaign managers in the Territory. Thus, the term "One Man Show" exists. The main point of this section is one of "Ethics" which is outlined in the Government Employees Handbook and the Personnel Rules and Regulations. Therefore, it is my recommendation that this section be stricken from Bill No. 35-0032.

Section 1. (e) (Line 1) Elective Office is not defined in under Title 18. Therefore my recommendation for consideration is to have it included in the VIC.

An amendment has been offered by Senator Marise James to Bill No. 35-0032. I support this amendment and recommend two minor changes.

The amendment reads under Section 1, Internal § 2 is amended:

That 2 (b) 1 strike "12:01 a.m. on" and 2 (b) 2 strike "12:01 a.m. on"

The Election system provides the dates which, in my opinion begins as the suggested time which is understood and the policy does not have to mirror the policy of the Election System.

The last item that I would like to share is in reference to the Hatch Act. As a Veteran and current member of the Virgin Islands National Guard and Government Employee it is important that we understand the implications of violating the Hatch Act.

The Hatch Act restricts the political activity of individuals principally employed by state, in our case the US Virgin Islands, and agencies that work with programs financed in whole or in part by federal loans or grants that apply to employees of private and nonprofit organizations that receive federal Head Start or Community Service Block Grant funds. In some cases, the Virgin Islands Government operates our early childhood programs in the Territory. Please note that an employee that violates the Hatch Act also warrants dismissal from employment and a portion of federal assistance equal to two years salary of the employee and the agency may lose some of its federal funding.

In closing, I would like to thank the committee for affording me the opportunity to speak in favor and support of Bill Number 35-0032, and earnestly solicit this committee's support in making its passage possible.

Thank you,

Stedmann Hodge, Jr.
State Chair, Democratic Party of the Virgin Islands