

s/AWCJR

**AMENDMENT TO BILL NO. 35-0032
Offered by Senator Marise C. James**

Bill No. 35-0032, section 1, internal § 2 is amended:

(1) in subsection (a) by striking all the text after “candidacy” on page 1, line 9 through page 2, line 7.

(2) by redesignating subsection (b) as subsection (c) and existing subsection (c) as subsection (d) and inserting a new subsection (b) that reads as follows:

“(b) A government employee may become a candidate for nomination and election to any public office and remain in active employment status with the Government of the Virgin Islands without taking a leave of absence from governmental duties; however, a candidate for office shall take a leave of absence from governmental duties during the following periods:

(1) Primary election period: If the candidate is participating in a party primary election, from 12:01 a.m. on the date that early voting begins as established by the Supervisor of Elections pursuant to section 94a(b) of chapter 5 of this title until 12:00 noon on the day the ensuing party primary election is held as provided by section 232 of chapter 11 of this title; and

(2) General election period: For all candidates participating in the general election, from 12:01 a.m. on the date that early voting begins as established by the Supervisor of Elections pursuant to Section 94a(b) of chapter 5 of this title until 12:00 noon on the day the ensuing general election is held as provided by Section 231 of chapter 11 of this title.

(A) Persons becoming candidates for the primary or general elections may use accrued or accumulated annual leave or sick leave in taking a leave of absence, however, sick leave may not be used in the absence of such certification of sickness as is required by the Government pursuant to title 3, section 583, subsection (b) of the Virgin Islands Code.

(B) Persons taking a leave of absence who have no accrued or accumulated annual leave shall do so without pay but without prejudice to seniority or other employment rights.”

(3) in existing subsection (d) by:

(A) striking the colon (:) after “but” and striking the paragraph (1) designator;

(B) striking “No employee or official of the office of the Supervisor of Elections may be a candidate for a Board of Elections, and no employee of the Board of Education may be a candidate for the Board of Education” on page 1, lines 1 through 3, and inserting in its place: “no employee of the Board of Education may be a candidate for the Board of Education, and no employee or official of the office of the Supervisor of Elections and no employee of the board of elections may be a candidate for a board of elections”; and

(C) redesignating paragraph (2) as subsection (f).

(4) by redesignating subsection (d) as the new subsection (e) and striking the existing subsection (e) in its entirety.

(5) by redesignating the existing subsections (f) as subsection (h) and inserting a section (g) that reads as follows: “(g) This section does not apply to Government employees who become candidates for party offices or serve as party officers.”

AMENDMENT NO. 35-300/May 17, 2023/HLF