

**Drafted & Reviewed  
By Legal Counsel**

**s/AWCJR**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE TO BILL NO. 35-0032  
Offered by Senator Marise C. James**

Bill No 35-0032 is amended by striking the language after the enabling clause and inserting new language as follows:

**“SECTION 1.** Title 18 Virgin Islands Code, chapter 1, section 2 is repealed and reenacted with amendments as follows:

“§ 2. Government personnel candidacy for public office; leaves of absence; service on boards.

(a) Persons employed in the legislative, executive, or judicial branches of the Government of the Virgin Islands (“government employees” or “employees”) are eligible for nomination as candidates for public office, and the Government may not take or threaten to take any personnel action against an employee because of the candidacy.

(b) A government employee may become a candidate for nomination and election to any public office and remain employed with the Government of the Virgin Islands without taking a leave of absence. However, that employee must take a leave of absence of not less than 30 days to the day after the election in which that employee is a candidate.

(c) Government employees who are candidates may use accrued or accumulated annual leave during their leave of absence. Government employees who do not have accrued or accumulated annual leave must take leave without pay, but without prejudice to seniority or other employment rights.

(d) Government employees retain all the rights and obligations of citizenship provided in the Constitution and laws of the United States of America and laws of the Virgin Islands; however, no government employee may:

(1) take any active part in managing a campaign, or campaign for public office or otherwise engage in political activity during working hours or during the time the employee is expected to be working; or

(2) use the authority of his position, or utilize government funds, buildings, equipment, or materials, or otherwise misuse his position to secure support for or oppose any candidate, party, or issue in an election for public office or party nominations or affect the results thereof.

(e) A government employee may become a candidate for the Board of Education, and a candidate for the Board of Elections for the Virgin Islands, except that 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 the Board of Elections without taking leave of absence upon the filing of a nomination petition, and if elected, may not serve as an employee or official, during his incumbency. Employees who are candidates may use accrued or accumulated annual leave. Employees who do not have accrued or accumulated annual leave must take a leave of absence without pay, but without prejudice to seniority or other employment rights.

(f) No member of the Board of Elections may be a candidate for any other public office during the term for which the member was elected. Upon filing a nomination petition, a member of the Board of Elections must resign his position on the Board as a condition of seeking any other public office.

(g) This section does not apply to judicial officers and law clerks who are governed by the Virgin Islands Code of Judicial Conduct, Sup. Ct. R. 213 and the Virgin

Islands Code of Conduct for Law Clerks, Sup. Ct. R. 103 and government employees who are candidates for party offices or serving as party officers.

(h) This section does not apply to campaign activity required to be governed solely by federal law. Notwithstanding any provisions contrary to this section, the political activities of government employees who are paid in whole or in part by federal loans or grants, or whose jobs are related to an activity that receives federal funds, are subject to restrictions imposed by laws and regulations of the United States and the employee shall comply with the restrictions, under sections 1501 through 1508 of title 5 of the United States Code.””

**Amendment No. 35-758/ May 29, 2024/Revised June 11, 2024/HLF**