

# **TESTIMONY**

***BEFORE THE LEGISLATURE OF THE VIRGIN ISLANDS***

***COMMITTEE ON RULES AND THE JUDICIARY***

***June 13, 2024***



**BILL NO. 35-0032**

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**SUPERVISOR OF ELECTIONS**

**ELECTIONS SYSTEM OF THE VIRGIN ISLANDS**

1 **INTRODUCTION**

2 Good afternoon, Honorable Chairwoman Diane T. Capehart,  
3 distinguished members of the Committee on Rules and the  
4 Judiciary, other members of the 35th Legislature, members of the  
5 press, the viewing and listening audience. I am Caroline F. Fawkes,  
6 Supervisor of Elections, of the Elections System of the Virgin  
7 Islands (ESVI). It is an honor to appear before you today, to present  
8 on Bill 35-0032 proposed by Senators Marise C. James and Donna  
9 Frett-Gregory. An Act repealing and reenacting title 18 Virgin  
10 Islands Code, chapter 1, section 2, relating to government  
11 employees' eligibility for elected office, to allow government  
12 employees to run for political office while actively employed, unless  
13 specifically prohibited by federal or other laws.

14 In Bill 35-0032 Section 1, 2(b) states, A government employee may  
15 become a candidate for nomination and election to any public office  
16 and remain employed with the Government of the Virgin Islands  
17 without taking a leave of absence. However, an employee who is a  
18 candidate for public office shall take a leave of absence for the  
19 following periods:

20 Section 1(2b) (1) If the candidate is participating in a party primary  
21 election, the leave of absence begins at 12:01 a.m. on the date that  
22 early voting begins until 11:59 p.m. on the day the ensuing party  
23 primary election is held.

24 Section 1(2b) (2) For all candidates participating in the general  
25 election, from 12:01 a.m. on the date that early voting begins until  
26 11:59 p.m. on the day the general election is held.

27 The Elections System of the Virgin Islands reviewed Bill 35-0032  
28 and support it with one amendment.

29 One of the main reasons for this amendment is that the Absentee  
30 Ballot casting of votes begins the electoral process, not early voting.

31 As per, Act 8602 signed by the Governor on August 5, 2022,  
32 amended title 18, chapter 25, sections 661, 662, 664 and 665,  
33 relating to absentee voting, to provide for **all persons eligible to**  
34 **vote in elections** in the Virgin Islands to be entitled to vote in any  
35 Election by absentee ballot (Act 8602 attached). This also ties in  
36 with The Military and Overseas Voter Empowerment Act (MOVE)  
37 amended Uniformed and Overseas Citizens Absentee Voting Act  
38 (UOCAVA) which requires States to send absentee ballots to  
39 UOCAVA voters at least 45 days before federal elections. These two

40 laws clearly show the Absentee Ballot process begins the electoral  
41 process.

42 A second concern, a majority of the election's laws are specific with  
43 dates or days, not flexible timelines. Early voting is a flexible  
44 process, the dates change every election cycle, presently, we may  
45 have to reduce the number of early days in one district or the other  
46 based on the number of Candidates on the Primary Election Ballot  
47 and funding constraints. In addition, what if there are no early  
48 voting days due to funding constraints? The uncertainty of the date  
49 for a Candidate to take leave will cause confusion for the  
50 Candidates, their Managers, and the voting public, which will result  
51 in low voters' turnout and participation in the electoral process,  
52 which is already a concern. Providing a date certain is always the  
53 best solution.

54 ESVI do not support any Candidate who falls under this law we are  
55 amending, to remain employed by the Virgin Islands government  
56 during the Absentee Ballot casting of votes process.

57 ESVI recommended amendment would mandate that all Candidates  
58 take sixty (60) days leave instead of eighty (80) days for political  
59 party candidates who participates in the Primary Election and sixty

60 (60) days instead of hundred and eighty (180) days for those not in  
61 a political party who participates in the General Election. Those  
62 who participate in the Primary Election and are nominated to the  
63 General Election will result in a hundred and twenty (120) days.  
64 This equates to a Candidate taking leave for forty (40) working days  
65 or less, depending on if there are no holidays in that sixty (60) day  
66 period, compare to six (6) months or more of annual leave or leave  
67 without pay as has been the law for over sixty years. I would share  
68 a little humor, the Elections System of the Virgin Islands celebrated  
69 sixty years in 2023; after sixty years of this law, we support  
70 reducing the number of leave days to sixty (60) to run for political  
71 office. Sticking with the sixty number.

72 This law would also be applicable to Candidates participating in a  
73 Special Election or Run Off, which is the continuation of the  
74 General Election. As an example, the 2024 Election Cycle dates for  
75 taking leave would begin on June 4<sup>th</sup> a Tuesday, (48 workdays) for  
76 the Primary Election or September 7<sup>th</sup> , a Saturday, (about forty-one  
77 workdays (41), for the General and fifty-four (54) days for the Runoff  
78 Election.

79 The sixty (60) days recommendation includes weekends and  
80 holidays. This drastically reduces the number of days an employee  
81 will be out on leave, this law we have been discussing for over ten  
82 years to amend.

83 As stated in my Testimony of September 28, 2023. The electoral  
84 cycle approach depicts elections as a continuous, integrated  
85 process made up of building blocks that interact with and influence  
86 each other, rather than as a series of isolated events.

87 Bill 35-0032 will ensure that all candidates are provided with  
88 equitable opportunities to compete in elections. This will allow a  
89 greater pool of candidates who will not have to worry about utilizing  
90 most or all their leave time or being placed on leave without pay for  
91 a lengthy period of time, up to six months.

92 ESVI holds a strong position on why we would not support  
93 Candidates on the job while the Absentee Ballot voting process has  
94 begun. However, there have been recent discussions and ESVI is  
95 willing to compromise to reduce the number of days for a Candidate  
96 to take leave from sixty (60) days to thirty (30) days.

97 As we are in the Primary Election Cycle, I would like to share a few  
98 deadlines with you and the listening public.

<b>2024 Primary Election</b>
UOCAVA Primary Ballots – June 18, 2024
Last Day to Register to Vote: July 3, 2024
Early Voting Dates: TBD
Election Day: Saturday, August 3, 2024
<b>2024 General Election</b>
Last Day to Register to Vote: October 6, 2024
Early Voting Dates: October 14-28, 2024
Election Day: Tuesday, November 5, 2024

99  
100 Madam Chairwoman, I thank you, Members of the Committee on  
101 Rules and Judiciary and other Members of the 35<sup>th</sup> Legislature for  
102 inviting me to present on Bill 35-0032 which we support with the  
103 one amendment.  
104 I am prepared to respond to any questions you may have.  
105 Your Voice Your Vote, and Your Vote is Your Voice!