

BILL NO. 36-0134

Thirty- Sixth Legislature of the Virgin Islands

August 26, 2025

An act repealing and reenacting title 18 Virgin Islands Code, chapter 1, section 2 relating to government employees' eligibility for elected offices, to allow government employees to run for political office while actively employed, unless specifically prohibited by federal or other laws

PROPOSED BY: Senator Marise C. James

Be it enacted by the Legislature of the Virgin Islands:

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 Title 18 Virgin Islands Code, chapter 1, section 2 is repealed and reenacted with amendments as follows: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) Except for judicial officers and law clerks as delineated in subsection (f), persons employed in the legislative, executive, or judicial branches of the Government of the Virgin Islands are eligible for nomination as candidates for public office, and no employer may take or threaten to take any personnel action against the employee because of the candidacy.

(b) A government employee may become a candidate for public office and remain in active employment status with the Government of the Virgin Islands without taking a leave of absence from governmental duties.

(c) A government employee retains all the rights and obligations of citizenship provided in the Constitution and the laws of the United States and the laws of the Virgin Islands; however, no government employee may:

(1) actively manage a campaign, or campaign for public office or otherwise engage in political activity while on duty or when the employee is expected to perform services for which the employee receives compensation from the Government; or

(2) use the authority of the employee's position, or utilize Government funds, buildings, equipment, or materials, or otherwise misuse the employee's position in the Virgin Islands Government to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations or affect the results thereof.

(d) A government employee may become a candidate for the Virgin Islands Board of Education, as provided for under 3 V.I.C. § 97, or a candidate for the Virgin Islands Board of Elections, as provided under section 41 of this title, except that no employee of the Board of Education or the Board of Election, if elected to the Board of which the candidate is an employee, may serve as an employee of that Board during his incumbency.

(e) 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. A member of the Board of Elections must resign his position on the Board before seeking any other public office.

(f) 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, or government employees becoming candidates for party offices or serving as party officers.

(g) This section does not apply to campaign activity governed solely by federal law. Notwithstanding any contrary provisions of this section, government employees who are paid in whole or in part by federal loans or grants, or whose jobs are related to an activity that

1 receives federal funds, are subject to and must comply with the restrictions imposed under title
2 5 U.S.C. §§ 1501-1508 and by any other applicable law or regulation of the United States.”

3 **BILL SUMMARY**

4 The bill amends title 18 Virgin Islands Code, chapter 1, section 2 to allow government
5 employees to run for political office while actively employed, unless specifically prohibited by
6 federal or other laws.

7 **BR25-0326/July 25, 2025/SLR**