



TESTIMONY IN SUPPORT OF BILL NO. 36-0134

Before the Committee on Government Operations, Veterans Affairs, and Consumer
Protection
Thirty-Sixth Legislature of the Virgin Islands

By: Carol M. Burke, Chairwoman, Democratic Party of the Virgin Islands

Date: October 27, 2025

Re: Bill No. 36-0134 An Act Repealing and Reenacting Title 18, Chapter 1, Section 2 of the Virgin Islands Code, Relating to Government Employees' Eligibility for Elected Office

Opening Statement

Good morning, Chairman Avery Lewis and other esteemed members of the Committee on Government Operations, Veterans Affairs, and Consumer Protection, other honorable senators of the 36th Legislature, to the listening and viewing public, and in particular, employees of the Government of the Virgin Islands.

My name is Carol M. Burke, and I appear before you as Chairwoman of the Democratic Party of the Virgin Islands (DPVI) in strong support of Bill No. 36-0134, introduced by Senator Marise C. James. We are indeed proud of Senator Marise James' bold commitment today on behalf of government workers, and we recognize that the outcome of this legislature's decisions will also determine future electoral outcomes. The Democratic Party has been steadfast in our belief that compelling employees of the government to take leave from their jobs to run for public office is analogous to cutting off our noses to spite our faces. We stand with Democratic Senators Marise James and Avery Lewis in this fight, and salute their courage, as they did not seek legitimacy but instead chose to believe in equality—and equal access to the ballot box.

This measure seeks to repeal and reenact Section 2 of Title 18, Chapter 1 of the Virgin Islands Code, allowing government employees to seek elective office while remaining in active employment, unless expressly prohibited by federal or judicial rules.

Purpose and Rationale

At its core, this bill represents a restoration of fairness, equity, and opportunity in our democracy.

For far too long, many capable Virgin Islanders employed by the government—teachers, police officers, nurses, engineers, administrators—have been disqualified by circumstance rather than merit. The requirement to resign or take unpaid leave to run for office has deprived our electoral system of bright minds and experienced professionals whose insights could strengthen public policy.

The Democratic Party of the Virgin Islands (DPVI) has firsthand knowledge of how the current statute operates as a severe disincentive for potential candidates. No one should be expected to forgo their income, risk their family’s welfare, or lose access to medical insurance for six months or more without any guarantee of electoral success. That barrier does not encourage civic engagement; it silences it. It ensures that only the independently wealthy can afford to serve, which is contrary to the values of equity and opportunity upon which democracy depends.

Correcting this inequity. It reaffirms that candidacy for office, by itself, does not threaten incumbency, disrupt government service, or erode public confidence. On the contrary, it reinforces legitimacy through fair competition and ensures that incumbents earn their continued service through the consent of the governed—not through economic exclusion.

The timing of this legislation is especially significant. It aligns with the Democratic Party of the Virgin Islands’ own recognition that, notwithstanding our many accomplishments and electoral wins, we must rebrand, renew, and chart a future for the Party. Our rebranding initiative focuses on broadening participation, recruiting new leaders, and empowering young Virgin Islanders—those with vision and skill who might otherwise shy away from public service because of outdated barriers. This bill aligns squarely with the mission of inclusion and leadership renewal.

- Federal Law References

Bill No. 36-0134 is consistent with protections under the United States Constitution, including the First Amendment’s rights to political participation and freedom of association, as well as the guarantee that citizens may not be unduly barred from holding political office due to their employment status. Federal guidance, including the Office of Personnel Management’s advisory on political activity by government employees, underscores that employment alone should not restrict candidacy where no conflict of interest exists. This legislation aligns the Virgin Islands with these constitutional principles.

Safeguards and Ethical Boundaries

The measure includes strong ethical and legal safeguards to ensure that the right to run for office is exercised responsibly:

1. Government employees may not campaign or engage in political activity during working hours;
2. Government time, funds, and resources cannot be used for partisan purposes;
3. Employees of the Boards of Education or Elections may not serve on those boards while simultaneously employed by them; and
4. Judicial officers and law clerks remain governed by their respective codes of conduct.

These provisions make clear that the right to candidacy comes with the duty of integrity, ensuring that public trust remains intact.

Public Policy Benefits

1. **Expanding Representation:** This measure opens the door for many skilled public servants who wish to contribute more fully to the civic life of the Virgin Islands without forfeiting their livelihoods.
2. **Encouraging Youth Participation and Leadership:** The bill strengthens strategies to recruit young Virgin Islanders into public service. Removing structural barriers to candidacy sends a clear message that leadership is not limited to a privileged few but is open to every qualified citizen. Young professionals can now see government not merely as an employer, but as a pathway to leadership and nation-building.
3. **Fostering Fair Competition:** The bill ensures that incumbency remains a reflection of public confidence, not a product of structural advantage. When challengers can compete without undue penalty, democracy gains strength, not instability.
4. **Promoting Economic and Electoral Fairness:** Running for office should never require choosing between feeding one's family and fulfilling one's civic duty. This legislation democratizes opportunity and ensures that economic survival is not a prerequisite for political participation.
5. **Economic and Social Impact:** By removing the barriers to candidacy, Bill No. 36-0134 encourages talented professionals to remain in public service while pursuing leadership roles. This retention of skilled employees strengthens institutional knowledge, reduces turnover costs, and promotes more responsive and innovative governance. Socially, it signals that the Virgin Islands values civic engagement and does not penalize service-minded citizens for seeking to contribute at a higher level.

Judicial and Legislative Context

This measure also advances the principles articulated by Judge Robert Molloy in his January 10, 2024, ruling in *Republican Party of the Virgin Islands v. the Election System of the Virgin Islands*.

In that decision, Judge Molloy reaffirmed that the right of political parties to organize, select, and certify their own candidates is protected under both the U.S. Constitution and Virgin Islands law. He underscored that the democratic process must not be obstructed by administrative or statutory barriers that inhibit participation or deny parties and individuals equal access to the ballot.

By extension, Bill No. 36-0134 gives practical effect to that ruling. It ensures that individual citizens—particularly those in government service—are not denied the opportunity to seek office due to arbitrary restrictions that deter participation. Just as Judge Molloy’s decision restored the autonomy of political organizations to determine who may represent them, this legislation restores the autonomy of the individual citizen to decide whether to serve.

In both contexts, the law seeks the same outcome: a more open, transparent, and constitutionally sound election process. The measure, therefore, aligns seamlessly with the court’s directive that electoral fairness in the Virgin Islands must be grounded in access, equality, and respect for the rights of participation.

Furthermore, this bill will complement the Legislature’s broader modernization efforts—including the proposed Ballot Access Integrity Act—to ensure that electoral competition is both lawful and inclusive.

Conclusion

Mr. Chairman and honorable members of this Committee, Bill No. 36-0134 is more than a policy adjustment—it is a reaffirmation of who we are as a people and what our democracy stands for. It restores fairness where inequality has taken root; it opens doors that have been closed for too long; and it says to every public servant, teacher, police officer, and young Virgin Islander with a vision for change: your voice matters, your service is valued, and your opportunity to lead will no longer depend on privilege.

By passing this measure, the Thirty-Sixth Legislature will not only correct a longstanding inequity. Still, it will also signal to the nation that the Virgin Islands are charting a new course—one grounded in inclusion, constitutional integrity, and respect for the dignity of work. This bill ensures that public service and public leadership are not mutually exclusive, but rather mutually reinforcing pillars of our democracy.

In the words of Judge Robert Molloy’s 2024 decision, fairness in our elections is not a favor—it is a right. Today, the Legislature has the opportunity to transform that principle into enduring law. The Democratic Party of the Virgin Islands proudly supports this measure because it strengthens our institutions, empowers our citizens, and reminds us that democracy, when accessible to all, remains the greatest equalizer.

For these reasons, I urge the passage of Bill No. 36-0134—because when every Virgin

Islander can aspire to serve without fear or sacrifice, our democracy becomes not only more just, but more genuinely Virgin Islands strong.

Thank you, Mr. Chairman, and members of this Committee, for your consideration and for standing on the right side of history.

Respectfully submitted,

Carol M. Burke
Chairwoman, Democratic Party of the Virgin Islands