

**BILL NO. 36-0124**

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**Thirty-Sixth Legislature of the Virgin Islands**

**July 23, 2025**

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An act repealing title 18, Virgin Islands Code, chapter 1, section 2 and enacting provisions to allow government employees seeking elected office to maintain their employment

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**PROPOSED BY:** Senator Milton E. Potter, by Request of the Governor

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*Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** This act shall be known and cited as “Equal Candidacy Rights for Public Employees Act”.

**SECTION 2.** Title 18 Virgin Islands Code, chapter 1, section 2 is repealed and reenacted as follows:

**“§ 2. Eligibility of Government Personnel for Public Office**

(a) Government employees in the legislative, executive or judicial branches, except for judicial officers, may seek elected public office without being required to take a leave of absence, provided:

(1) The employee does not engage in campaign related activities during working hours.

(2) The employee does not use government property, resources or supplies in the conduct of campaign activities.

(b) Any violation of subsection (a) shall be:

(1) grounds for disciplinary action, up to and including termination, in accordance with the applicable personnel rules and regulations;

(2) a fine not less than \$5,000.00 and two times the cost of the Government of the Virgin Islands' resource used for election purposes; and

(3) all fines and or repayment of resources used for election shall be paid in full prior to running in a succeeding election.

(c) Notwithstanding any law, no employee or official of the Department of Education and 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 a leave of absence. If elected, they may not serve as an employee or official during their incumbency. 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. Any member of the Board of Elections must resign his position on the board as a condition of seeking any other public office.”

### **BILL SUMMARY**

This bill repeals title 18 Virgin Islands Code, chapter 1, section 2 mandating government employees take a leave of absence upon filing for public elective office. This bill replaces that requirement by allowing government employees to run for office while maintaining their employment provided they do not campaign during working hours or use government resources. The bill seeks to promote fairness and encourages more persons to get involved in public service.

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