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Bill Allowing Gov't Employees to Seek Public Office Without Taking Leave Defeated in Senate

Senators stalled the bill that aimed to allow government employees to run for office while actively employed, thereby limiting the pool of potential political candidates

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Upper I2r: Sens. Johnson, Gittens and Bolques. Lower I2r: Sens. Capehart, Potter and Joseph — all members of the Committee on Rules & Judiciary. By. V.I. LEGISLATURE

Another attempt by Senator Marise James to pass legislation that would allow government employees to seek political office while actively employed by the GVI, has stalled after her colleagues failed to second the motion seeking to move the bill forward during Thursday's meeting of the Committee on Rules and Judiciary.?

The defeat of this legislation underlines a significant barrier for government employees who might wish to enter politics, according to proponents of the measure. Currently, those aspiring to run for office must take leave without pay, which would lead to financial and professional instability that deters many potential candidates, proponents contend. This requirement effectively narrows the pool of individuals willing to contest elections, and thereby preserves the status quo by limiting competition and maintaining a smaller, more manageable slate of candidates — potentially benefiting incumbent lawmakers who face less competition.

Under Bill 35-0032, employees would be able to seek office while actively employed “unless specifically prohibited by federal or other laws.” It was first introduced last September, and met with [immense opposition](#). At the time, lawmakers including Senators Kenneth Gittens and Carla Joseph were concerned over issues of conflicts of interest, abuse of taxpayer dollars and possible violations of government policies.

A series of amendments were recommended, including suggested changes by Elections Supervisor Caroline Fawkes and Chief Justice Rhys Hodge. The latter encouraged the bill sponsor to exclude judicial branch employees from the provisions of Bill 35-0032, citing strict guidelines governing the political activity of judicial officers and court staff. He worried that those guidelines would be overruled by the bill. When the bill returned to the Committee on Rules and Judiciary on Thursday, Ms. James had complied with the chief justice’s request. A series of other proposed amendments were also reportedly taken into consideration, but the latest version had not been shared with invited testifiers. The amended version of the bill has similarly not been posted on the Legislature’s website as of press time.

Again pleading for the support of her colleagues to advance her cause, Ms. James lamented the “unfairness” faced by government employees who want to run for political office, as they are currently required to vacate their posts after declaring their intentions. She referenced the “shortage of government employees” and provided a hypothetical of ten government employees deciding to run for office during one electoral cycle. “That meant that it would disrupt their respective government agencies and departments.” She posited that her proposal, as amended, would “increase the pool of people who would be able to run” and “reduce the financial burden that's associated with campaigning.”?

Invited testifiers were generally in support of the amended measure, but felt some more fine-tuning was necessary. Ms. Fawkes requested a further change to the proposed start of a government employee’s mandatory leave of absence when contesting a political office. It’s the “absentee ballot casting of votes [which] begins the electoral process” Ms. Fawkes explained, and not the first day of early voting. “Early voting is a flexible process. The date changes every election cycle.”

The Elections Supervisor’s remarks, as well as those of Cindy Richardson, director of the Division of Personnel, and Stedmann Hodge, Democratic state chair, were however overshadowed by overwhelming opposition from lawmakers. Senator Angel Bolques Jr. was the first to comment, explaining that while he understands the bill’s intent to alleviate the financial burden of an electoral campaign, he was wary of “several potential issues or contradictions and ambiguities.”

?Possible conflicts of interest between “official duties and political ambitions” also concerned Senator Franklin Johnson, who wondered how authorities could “tighten the grip on that.”

Reiterating the same sentiments he shared last September, Senator Kenneth Gittens admitted that he was “skeptical of opening Pandora's box.” The proposed legislation would allow employees to

return to work between the primary and general elections, something that Mr. Gittens feared would empower employees to think it is “okay to send a quick email [or] to run copies of political paraphernalia on the copier machines.” He called on Ms. James to mirror the federal Hatch Act and “safeguard individuals from themselves,” before leaving the legislative chambers ahead of a vote on the proposed legislation.

That vote never came, as Ms. James did not receive a second on the motion to advance the proposal out of committee. Listening to the resistance from her colleagues left the lawmaker “speechless,” in her own words. Nonetheless, she was able to, again, express a desire to “avoid the financial hardship” associated with campaigning. “I’m a little surprised by everybody trying to find words in my bill to find a way to not support it,” she admitted.

“Someday, some young person out there will change the law,” said Senator James, after her legislative effort was again defeated. Bill 35-0032 will remain in the Committee on Rules and Judiciary at the call of the chair.

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