

Bill Allowing Government Workers to Run for Office Without Resigning Passes Despite Three Lawmakers Abstaining

The measure, which removes the requirement for gov't workers to resign before seeking office, passed committee after emotional testimony on fairness and access. Three senators abstained, citing concerns over sacrifice, and federal Hatch Act compliance.

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Sen. Marise James Bill 36-0134 promotes fairness, equity, and broader democratic participation. By. V.I. LEGISLATURE.

When it was time to vote for [Bill 36-0134](#), legislation allowing government employees to run for political office without having to resign their posts, three lawmakers chose to abstain instead of

recording an opinion on the measure.

Senators Carla Joseph, Alma Francis Heyliger, and Ray Fonseca exercised the option not to vote for the bill, authored by Senator Marise James.

Discussion about allowing government employees to run for political office while still actively employed is not novel. In July, Governor Albert Bryan Jr. attempted to introduce [legislation to that effect](#), but was informed by the Legislature that Sen. James's bill had [preempted him](#).

Indeed, it is not the first time that James has proposed such legislation. In 2023, she and former senator Donna Frett-Gregory co-sponsored [Bill 35-0032](#), allowing for the same. The short title of the two bills is identical. They both allow active government employees to contest elections “unless specifically prohibited by federal or other laws.”

On Monday, Ms. James addressed the Committee on Government Operations, Veterans Affairs, and Consumer Protection, seeking their support. The bill removes “barriers that prevent qualified and dedicated individuals from offering themselves to serve,” she argued.

“Democracy should not be a luxury item reserved for those who can afford to take time off or those who are sitting in public office right now,” she insisted.

Sen. James also addressed concerns over possible conflict with the Hatch Act, an issue raised when the bill was first heard in 2023. The Hatch Act is a nearly 100-year-old law that limits certain political activities of federal employees. She told her colleagues that the Act “only prohibits candidacy if the employee's salary is paid entirely with federal funds.” Per Ms. James, it “does not bar everyone in an agency that receives federal funding.”

“This bill does not remove accountability. It simply ensures that employees can remain employed while they exercise their constitutional right to run for office,” she said. The bill does not allow political campaigning, including managing political campaigns, while on duty.

She disagreed with the sentiment that “government employees who wish to run for office should simply plan financially and save enough money to take leave.” Instead, Senator James argued that “such a requirement unfairly limits political participation to those with financial means.”

“Our goal as [a] Legislature should be to open the doors of civic engagement, not close them,” she stated.

Those invited to testify, like Chief Negotiator Joss Springette, supported the move. She testified that “this bill is the same as the bill by the Honorable Governor Albert Bryant Jr. earlier this year. Therefore, I have no objections.”

Carol Burke, the State Chairwoman for the Democratic Party of the Virgin Islands, applauded Senator James. She stated that the bill “reinforces legitimacy through fair competition and ensures that incumbents earn their continued service through consent of the governed, not through economic exclusion.”

“It restores fairness where inequality has taken root. It opens doors that have been closed for far too long,” Ms. Burke declared.

Ophelia Williams-Jackson, a retired government educator, told the Committee that she had “personally experienced the heavy cost of civic ambition under the current system,” and therefore

supported the bill. She described it as a measure that “restores fairness, equity, dignity to public employees who wish to serve their people through elected office.” She recalled having to forfeit government benefits when she ran for Senate “several times.”

Lawmakers also listened to testimony from Cindy Richardson, Director of the Division of Personnel, who submitted her remarks in writing. She commented that the bill is “a meaningful and necessary step toward ensuring equitable access to public service for all Government of the Virgin Islands employees.” She was pleased that the bill delineates “boundaries to prevent conflict of interest or misuse of public resources.” As Ms. Richardson noted, the bill allows a supervisor to “require leave if an employee's campaign interferes with their official duties.”

The bill also addresses the Board of Education and Elections, stating that an individual “may not serve as both an employee and member of the same board simultaneously.”

The Legislature’s live stream of Monday’s meeting was marred by technical difficulties, and so the reportedly heated debate was not broadcast consistently. However, the decision for three committee members to abstain from the vote altogether highlights the mixed reactions to Sen. James’s measure.

Senator Novelle Francis, who supported the bill, looked forward to increased competition. “Bring it on,” mused the six-term senator. Senator Avery Lewis, the committee’s chair, added that “there's some undue hardship that we could correct.”

Senator Kurt Vialet also used the word “hardship,” noting that it was even more difficult for teachers who do not have annual leave. However, he was “troubled” by the provision that an employee could remain in “active employment status” until the day of the election. He suggested implementing a “30-day window where that employee needed to take a leave of absence, but it's a paid leave of absence.”

His rationale was based on the assumption that in the weeks immediately preceding an election, individuals are “really concentrating on getting elected,” and are “not going to be doing much of the job that they're assigned to do.” Mr. Vialet is not a committee member, however, and therefore could not vote on the measure.

James did not agree, arguing that there are individuals who will not have as many as 30 days of annual paid leave to utilize for that purpose. “Where is the compassion in this Legislature? Where is it? All I'm seeing is self-interest,” she stated.

Senator Kenneth Gittens was another who supported the bill, despite submitting concerns about possible Hatch Act contraventions in writing to the bill’s sponsor. They included requiring “written notice and acknowledgement by employees who intend to run for office, confirming whether their role is federally funded or not.” Among his other requests was the inclusion of specific definitions for what activities are permissible while on duty.

For Senator Alma Francis Heyliger, who chose not to cast a vote, the central theme was about sacrifice. In an impassioned contribution, she sought to “dispel some of the narrative that has been put out to the public, not only by some testifiers, but even by the sponsor herself.” Ms. Francis Heyliger seemed personally offended by the notion that “only the wealthy can run” based on the current law’s limitations. “That is the furthest thing from the truth and 100% false,” she declared, reminding those listening that she contested the general elections multiple times without success.

“I had to cut costs where I needed to, to make sure I was making the sacrifices to run for this office,” Ms. Francis Heyliger said. “Are we going to build a situation where we are not teaching people that sometimes if you really want to do something, if you really want to fight on behalf of the people, if you really want to serve them, that they shouldn't put in the work?” she asked.

Stating that she was “between a rock and a hard place” and seeing both sides of the proverbial coin, Ms. Francis Heyliger did not vote.

Each non-voter took the opportunity to explain why they abstained, but due to the unstable broadcast, the public remains ignorant of their rationales. The measure passed nonetheless, and will now be reviewed in the Committee on Rules and Judiciary.

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