

APPENDIX IV**Ch. 1****GENERAL PROVISIONS****T.18 : § 2**

§ 2(a) Sess. L.1068, Pt. II, p.73; Feb. 12, 1969, No.2419, § 1, Sess. L.1969, p. 64; May 3, 1984, No. 4934, § 2(a)(1), (2), Sess. L. 1984, p. 107; Oct.21, 1988, No. 5367, §1, Sess. L. 1988, p. 252.

HISTORY

Source: Purdon's Penn. Statutes, Title 25 §§ 951-2, 2602.

Amendments– 1988. Rewrote the definition of “ballot” and added the definition of “voting machine”.

– **1984.** Added the definitions of “ballot” and “ballot information” and inserted “or voter” following “elector” in the definition of “qualified elector or voter”.

– **1969.** Rephrased definition of “independent nomination”, and changed reference from “301 (j) “ to “301(b)” in definition of “political body”.

– **1968.** Amended certain definitions generally and substituted “election district” for “legislative district” wherever it appeared.

– **1963.** Inserted definition of candidate at large; in definition of district register, added provision relating to subdivision; amended definition of election generally; and, in definition of public office, inserted provision including both district and territorial offices.

Effective date of amendments – 1988. Act Oct.21, 1988, No.5387, § 8 (a),Sess. L 1988, p.254, provided that notwithstanding section 6 of this title, prohibiting amendments to this title 6 months preceding the date of a general election, section 1 of the act, which amended this section, was to take effect upon enactment, Oct. 21, 1988.

– **1988.** Section 3 of Act June 26,1968, provided: “The provisions of this Act [amending this section and sections 191-194, 303,302,347,411,471 and 492 of this title] shall become effective upon approval by the Governor.”

The Governor signed Act No. 2253 on June 26, 1968.

CROSS REFERENCES

For provisions of the Organic Act relating to election districts, see section 5(b) of the Revised Organic Act of the Virgin Islands, appropriately. July 22, 1954 (48 U.S.C. § 1571(b), set out preceding Title 1.

§ 2. Eligibility of government personnel for public office

Persons employed in the legislative, executive or judicial branches of the Government of the United States Virgin Islands shall be eligible for nomination as candidates for public office, but any such person who becomes a candidate shall be granted and shall take leave of absence from his governmental duties from the date of filing of his nomination petition or nomination paper until the date of the ensuing general election unless, if he is a candidate at the primary election, he fails to be nominated thereat, in which case his leave of absence may terminate immediately after such primary. Persons becoming candidates may use accrued or accumulated annual leave or sick leave in taking such leave of absence, however, sick leave may not be used in the absence of such certification of sickness as is required by the Government pursuant to Title 3, section 583, subsection (b) of the Code. Persons taking such leave of absence who have no accrued or accumulated annual leave shall do so without pay but without prejudice to seniority or other employment rights. This section shall not apply to Government employees becoming candidates for party offices or serving as party officers, to candidates for the Virgin Islands Board of Education, as provided for under section 97 of Title 3 of the Virgin Islands Code, or candidates for the Board of Elections for the Virgin Islands, as provided for under section 41 of Title 18 of such code, except that no employee or official of the Department of Education and no employee of the Board of Education and no employee or official of the office of the Supervisor of Elections and no employee of a board of election may be a candidate for the board of elections without taking leave as required by this section; and if elected may not serve as an employee or official, as the case may be during his incumbency. – Added Feb. 20, 1968, No. 936, § 1; amended July 18, 1968, No. 2800, § 1, Sess. L. 1968, Pt. II, p. 261; Nov. 15, 1971, No. 3136, Sess. L. 1971, p. 374; Feb.8, 1973, No. 3378.

HISTORY

Source. Former Title 18 V.I. C. § 121 (part), as amended by Act May 16, 1957, No. 160, § 50, Sess. L. 1957, p. 20.

Revision notes. Inserted “United States” preceding “Virgin Islands” in the first sentence.

Amendments — 1973. In second sentence, inserted reference to use of sick leave pertaining to leave of absence.

– **1971.** Added provisions relating to use of accrued leave and exemptions relating to candidates for Boards of Education or Elections and persons becoming or serving as party officers.

– **1968.** Added proviso at end.

ANNOTATIONS

1. Hatch Act. When examining the political activities of Virgin Islands Employment Security Agency employees, the federal Hatch Act and the Virgin Islands provision imposing specific limitations on political activities by such employees should be read together. 10 V.I.O p.A.G. 23.

An individual employed in the executive branch of the Territory, whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency, may not be a candidate for partisan elective office or be a candidate in a partisan election for a non-partisan elective office. 10 V.I.Op.A.G. 23.

An employee subject to the Hatch Act is not prohibited from taking an active part in strictly non-political contests, i.e., those in which no candidate representing a political party participates. 10 V.I.Op.A.G. 23.

If Territorial law provides for a non-partisan ballot for a particular local office, or provides that the office is considered non-partisan, a presumption arises that the election for that office is exempt from the provisions of the Hatch Act; this presumption may be rebutted, however, by evidence of partisan politics actually entering the campaigns of any of the candidates. 10 V.I.Op.A.G. 23.