

STANDING COMMITTEE REPORT NO. 15-133

RE: PRESIDENTIAL VETO OF C.A. NO. 15-45/JGO

SUBJECT: OVERRIDE OF PRESIDENTIAL VETO

SEPTEMBER 13, 2008

The Honorable Isaac V. Figir  
Speaker, Fifteenth Congress  
Federated States of Micronesia  
Fifth Regular Session, 2008

Dear Mr. Speaker:

Your committee on Judiciary and Governmental Operations, to which was referred Presidential Communication No. 15-217, entitled:

"AN ACT TO FURTHER AMEND TITLE 9 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY AMENDING SECTION 704 OF CHAPTER 7 TO PERMIT A REGISTERED VOTER TO CAST A BALLOT WHERE THERE IS A MISTAKE IN PLACING THE NAME OF THE VOTER ON THE SIGNATURE LIST OF A POLLING PLACE IN A STATE, CONGRESSIONAL ELECTION DISTRICT OR MUNICIPALITY IN WHICH HE OR SHE DOES NOT RESIDE.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

In Presidential Communication No. 15-127, the President stated that he had vetoed Congressional Act No. 15-45 because, in his view, the "potential problems and further confusion this Act will cause is greater than any disparities it is attempting to harmonize in the current National Election Act". It is unclear what such "potential problems" and "further confusion" are. To the extent that the President vetoed the act based on policy considerations and such policy considerations are not clearly substantiated, your committee finds the basis for the veto unpersuasive.

Additionally, contrary to the President's concerns, your committee remains with the view that C.A. No. 15-45 would achieve, not defeat, its intended purposes. It addresses problems experienced during recent elections by providing specific conditions under which registered voters, whose names do not appear on the appropriate signature list and who did not sign the signature list by mistake or other legitimate reasons, will be permitted to vote.

Subsection 704(3) of the election law provides that no person shall be permitted to vote in a National Election, unless his or her name appears on the signature list for the polling place he or she goes to

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vote at and he or she signs a signature list. That law provides an exception; i.e., a person whose name does not appear on the signature list of the polling place but who presents a valid voter identification card for that polling place, which indicate that he or she has not already voted in that election, may nevertheless cast a ballot if he or she signed a supplemental signature list. Presently, a person's name may be entered on the supplemental signature list only if he or she presents a valid voter identification card for the polling place he or she appears to vote at and it is shown on the card that he or she has not already voted in that election.

Congressional Act No. 15-45 attempts to clarify and retain that exception and to improve the current election law by providing two additional conditions for which a person's name is entered on the supplemental signature list; (1) the person's name is on the National Voter Registry but his or her name is not on the signature list of the polling place in the State, National Election District or Municipality he or she resides, has voted in at least one prior national election, and is not listed on the signature list of any other polling place; and (2) the person's name is on the National Voter Register and on the signature list of a polling place but he or she does not reside in the State, Congressional District or Municipality for that polling place and has not requested for an absentee ballot.

These conditions were proposed to prevent any confusion and appearance of, or actual, abuse of discretion on the part of poll workers, and to ensure that the fundamental rights of citizens to vote are not unnecessarily impaired because of mistakes of the poll workers or because the voters are unable to return to the polling places they registered to vote at on the day of the election.

Thus, your committee is not persuaded that the act would defeat its intended purposes. Instead, your committee remains firm with the view that the act would serve to improve the election law by providing clear guidance to poll workers to effectively implement the election law, and by giving clear notice to the voters as to the circumstances in, or reasons for, which they may or may not be permitted to vote.

Your committee did attempt to understand the basis of the President's concerns regarding potential for further confusion that may occur as a result of this act but can only conclude that any such undisclosed potential for confusion can be resolved if the Office of the National Election Commission provides the necessary training to ensure that its poll workers have a thorough understanding of the national election

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legislation as a whole, including these proposed amendments, and can effectively implement them. Should the Office require further funding to provide any necessary training to its poll workers, your committee is prepared to entertain a proposal for that purpose.

**Conclusion**

Your Committee on Judiciary and Governmental Operations, therefore, recommends that the Presidential veto of C.A. 15-45, as communicated in P.C. No. 15-217, be overridden.

Respectfully submitted,

/s/ Peter Sitan  
Peter Sitan, chairman

/s/ Fredrico O. Primo  
Fredrico O. Primo, vice chairman

Tiwiter Aritos, member

/s/ Isaac V. Figir  
Isaac V. Figir, member

/s/ Dohsis Halbert  
Dohsis Halbert, member

/s/ Moses A. Nelson  
Moses A. Nelson, member

/s/ Paliknoa K. Welly  
Paliknoa K. Welly, member