

STANDING COMMITTEE REPORT NO. 19-42

RE: C.R. NO. 19-90/J&GO

SUBJECT: TO CONFIRM THE NOMINATION OF MR. TONY H.
OTTO TO SERVE AS THE NATIONAL ELECTION
DIRECTOR OF THE FSM NATIONAL ELECTION
OFFICE

SEPTEMBER 21, 2015

The Honorable Wesley W. Simina
Speaker, Nineteenth Congress
Federated States of Micronesia
Second Regular Session, 2015

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.R. No. 19-90, entitled:

"A RESOLUTION TO CONFIRM THE NOMINATION OF MR. TONY H.
OTTO TO SERVE AS THE NATIONAL ELECTION DIRECTOR OF THE
NATIONAL GOVERNMENT OF THE FEDERATED STATES OF
MICRONESIA.",

begs leave to report as follows:

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

Mr. Tony H. Otto has been nominated by the President to serve as the National Election Director of the FSM National Election Office. This nomination is subject to the advice and consent of Congress pursuant to section 2(d), Article X, of the Constitution and title 2, section 207(1) of the Code of the Federated States of Micronesia.

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Education and Work Experience

The nominee is a 1973 graduate of the Community College of Micronesia, from which he received his Associate Degree. He then received his Bachelor of Arts Degree in 1979 from the University of Hawaii at Manoa.

The nominee's professional experience is well known to your Committee, as he was a member of the Congress of the Federated States of Micronesia from 2009 to 2015 and from 1983 to 1991. In addition to his extensive service to the FSM as a Senator, the nominee has served in other public service capacities: as the FSM National Historic Preservation Officer; as a Special Assistant to the President on Legislative Matters; and as an educator in numerous positions on both Chuuk and Pohnpei.

Public Hearing

Your Committee held a public hearing regarding this nomination on September 15, 2015. In addition to the nominee, representatives from the Office of the President and the National Election Office were also present.

Statements of the Nominee

After welcoming the nominee, your Committee provided the nominee with an opportunity to make an opening statement. After thanking the Committee for the chance to appear, the nominee also extended his profound thanks to the President for selecting him out of the thousands of other qualified citizens for this position. He then described the process by which he came to be nominated for the position. He indicated that when asked by the President if he was interested, he responded without hesitation that he was, that he remains interested today, and that he will remain interested for the duration of his time should he be confirmed for the position.

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The nominee indicated that, should he be confirmed, he would bring the same seriousness and willingness to work hard to his role as National Election Director that he brought to his work as a Senator. He vowed to put forth his best effort to do a good job, and he provided an overview of some of his previous public service experiences that would serve him well in this new position. Specifically, the nominee highlighted his experience in the Executive Branch overseeing the selection and appointment of the election commissioners in each of the States.

Finally, the nominee acknowledged that, while past alleged election irregularities had occurred, he was confident that with the support and expertise of the staff of the National Election Office the past records of success with national elections could be continued.

Questions from the Committee

In light of the nominee's comprehensive opening statement and his past record of public service, your Committee was satisfied that the nominee was well qualified for the position. Consequently, your Committee's questions centered on the nominee's thoughts on the challenges inherent in the election process.

For example, your Committee asked the nominee for his thoughts on how to address concerns from citizens living on the U.S. mainland about not being able to fully participate in national elections. Although the nominee acknowledged that one potential solution would be to set up special polling places on the mainland, his first thought was that such a solution might not be fiscally prudent given the uncertainty of funding after 2023. He stated his view that, although citizens living on the mainland were busy trying to make a living, they must make voting a priority if they wish to fully participate. He also stated that with this issue, as with others, he would draw upon the experience and knowledge of the staff of the National Election Office

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to craft a solution.

Your Committee also extended a request that the nominee strive to minimize election irregularities such as the recent shortage of ballots at some polling places. The nominee stated that he shared your Committee's concern regarding this issue, and he resolved that, pending available funding, he would convene a meeting of the state election commissioners to review this issue in light of the fact that the signature list should prevent such ballot shortages. He stated that it was his hope that, so long as the Election Office followed the letter of the 2005 Election Law, a "clean election" could result.

Your Committee confirmed that the nominee was comfortable with the salary of the position given his previous position as a member of the Congress. The nominee stated that the salary was adequate and that it was his desire to continue serving the citizens of his Nation. The nominee also stated that, although he had decided not to stand for re-election in 2015 due primarily to hearing loss, this would not prevent him from continuing to serve his Nation in this new capacity.

In closing, the nominee again thanked your Committee and the President for giving him the opportunity to continue to serve. He pledged to put forth his best effort so as not to fail the trust put in him by both the President and the Congress. He stated that, should he be confirmed, it would be his goal, with the help of his staff, for the 2017 National Election to be free of any alleged irregularities.

Statements of Other Interested Witnesses

The representative from the Office of the President stated that the President has the utmost confidence in the nominee's ability to be successful in running national elections. He emphasized that the nominee possesses the right mix of temperament, patience, and credibility to succeed.

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The representative from the National Election Office stated that, as is always the case with nominees, they support the nominee and stand ready to work together to ensure error free national elections.

Conclusion

Your Committee is satisfied with the qualifications and dedication of the nominee and appreciated his responses to its questions.

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.R. No. 19-90 and recommends its adoption in the form attached hereto.

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Respectfully submitted,

/s/ Tiwiter Aritos
Tiwiter Aritos, Chairman

/s/ Alik L. Alik
Alik L. Alik, Vice Chairman

/s/ Isaac V. Figir
Isaac V. Figir, Member

Berney Martin, Member

/s/ Esmond Moses
Esmond Moses, Member

/s/ Robson Romolow
Robson Romolow, Member

/s/ Wesley W. Simina
Wesley W. Simina, Member