STANDING COMMITTEE REPORT NO. 17-147

RE: C.B. NO. 17-162/J&GO

SUBJECT: VOTER IDENTIFICATION CARDS

SEPTEMBER 25, 2012

The Honorable Isaac V. Figir Speaker, Seventeenth Congress Federated States of Micronesia Fifth Regular Session, 2012

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 17-162, entitled:

"A BILL FOR AN ACT TO FURTHER AMEND CHAPTERS 4 AND 7 OF TITLE 9 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED BY PUBLIC LAWS NO. 14-76 AND 15-46, BY AMENDING SECTIONS 404 AND 704, TO REMOVE THE REQUIREMENT THAT A PERSON ISSUED WITH A VOTER IDENTIFICATION CARD MUST PRESENT SUCH CARD TO BE PERMITTED TO VOTE, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

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

The current law requires that any voter who has been issued with a Voter ID card must present his or her card before being permitted to vote; voters who have not been issued with a Voter ID, however, can use a range of different documents to establish their identity, as provided in the election regulations.

A public hearing was held by this Committee in Palikir on September 21, 2012 and was attended by the National Election Commissioner and representatives of his office and of the Department of Justice and the Office of the President.

STANDING COMMITTEE REPORT NO. 17-147

RE: C.B. NO. 17-162/J&GO

SUBJECT: VOTER IDENTIFICATION CARDS

SEPTEMBER 25, 2012

The Election Commissioner stated that voters who had been turned away during the last election because they did not have their Voter ID cards in their possession had felt deprived of their rights, and that this bill would prevent that situation from reoccurring. He stated that his office was ready to implement the bill if passed by Congress, and would have over forty days to work on amending the regulations to conform with the bill. In response to questions, he stated that alternative forms of identification that would be accepted would include FSM passports, FSM social security cards, and drivers' licenses issued by the FSM or one of the four states.

Members discussed the purpose of Voter ID as a security measure, and were reassured by the Election Commissioner that all election board members were instructed to mark voters' hands with ink only visible under ultraviolet light and to check for such marks before issuing a ballot in order to prevent voters from voting more than once. However, members emphasized the need for any measures to be uniformly applied, and noted personal experiences of not being asked for Voter ID, not having their cards punched, and not having their hands inked or checked. Staff from the Election Commissioner's office stated that they would work with election board members to ensure compliance with procedures.

The Acting Secretary of the Department of Justice noted that the original intent had been for all adult citizens to be issued with Voter ID over a fairly short period of time, but that this had not happened. He confirmed that only those who had not been issued with Voter ID were able to use alternative forms of identification. He rejected the analogy between Voter ID and a driver's license, stating that voting is a constitutional right while driving is a privilege. However, he stated that he believed the current law was a constitutional condition on voting, as was the voter registration requirement. However, he acknowledged that this bill would make it easier for the 19,000 voters who had been issued with Voter ID to cast their ballots.

Asked for the position of the Administration with respect to the bill, the representative of the President's office stated that the bill had not yet received the attention of the President's office, and there was therefore no official position.

STANDING COMMITTEE REPORT NO. 17-147

RE: C.B. NO. 17-162/J&GO

SUBJECT: VOTER IDENTIFICATION CARDS

SEPTEMBER 25, 2012

Members expressed their belief that more people should be encouraged to vote, and that allowing alternative forms of identification would facilitate this. Members noted that Voter ID could still be useful, especially for citizens abroad who might lack other documentation and for voters who would otherwise have to file a request for an absentee ballot to vote outside of their own district.

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 17-162, and recommends its passage on First Reading, and that it be placed on the Calendar for Second and Final reading in the form attached hereto.

STANDING COMMITTEE REPORT NO. 17-147 RE: C.B. NO. 17-162/J&GO SUBJECT: VOTER IDENTIFICATION CARDS SEPTEMBER 25, 2012 Respectfully Submitted, /s/ David W. Panuelo/s/ Bonsiano F. NethonDavid W. Panuelo, chairmanBonsiano F. Nethon, vice chairman /s/ Isaac V. Figir
Isaac V. Figir, member Tiwiter Aritos, member /s/ Dohsis Halbert /s/ Yosiwo P. George Yosiwo P. George, member Dohsis Halbert, member

/s/ Roger S. Mori Roger S. Mori, member