

STANDING COMMITTEE REPORT NO. 15-72

RE: C.R. NO. 15-80/J&GO

SUBJECT: CONFIRMING THE NOMINATION OF MR. KIMEUO KIMIUIO TO BE THE NATIONAL ELECTION DIRECTOR OF THE FEDERATED STATES OF MICRONESIA

FEBRUARY 12, 2008

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

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations ("J&GO"), to which was referred C.R. No. 15-80 entitled:

"A RESOLUTION CONFIRMING THE NOMINATION OF MR. KIMEUO KIMIUIO TO BE THE NATIONAL ELECTION DIRECTOR 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. Kimiui has been nominated by the President of the Federated States of Micronesia to be the National Election Director of the Federated States of Micronesia. Title 9, section 302(1) of the Code of the Federated States of Micronesia sets out that this nomination is subject to the advice and consent of Congress.

Mr. Kimiui's curriculum vitae is included in Presidential Communication 15-122. Some points are summarized here. The nominee is currently retired. His background is in education and he served as the Chuuk State Chief Schools from 2003 until 2005 and as Chuuk State Chief of Federal Programs from 1997 until 2003. The nominee has also worked as Director of the Chuuk Bilingual Education Program and as a classroom teacher. In addition, Mr. Kimiui has served with the Counting and Tabulating Committee for elections in Chuuk. The nominee is also a pastor with the Evangelical Church of Chuuk. This role is ongoing.

#### **PUBLIC HEARING**

Your committee held a public hearing on the nomination in the afternoon of Thursday, February 7, 2008. Present were Speaker Figir and Chairman Sitan as well as Senators Halbert, Nelson, Paul and Welly. The current National Election Director, Jonathan John, and a member of his staff were also in attendance.

In his opening statement, Mr. Kimiui highlighted his religious faith

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and role as a pastor and said he is willing to accept the nomination, if it is in God's plan for him. The nominee said he is prepared to move to Pohnpei in order to take up duties as National Election Director and mentioned he welcomes the opportunity to share his faith with the people of Pohnpei.

There was a question as to how, if confirmed, the nominee would be able to balance his strong Christian faith with his duties as National Election Director. Mr. Kimiui acknowledged that this is challenging but said that, as a pastor, he follows the laws and rules of God and the church and that he will also follow the National Election Law. The nominee said, if confirmed, his first priority would be to review and familiarize himself with the law and regulations of national elections in the FSM.

Mr. Kimiui said he is neutral with regard to elections in Chuuk and his home area of Faichuuk and has no political affiliations.

Senator Paul noted some of the ongoing problems in elections in Chuuk State, particularly in the Faichuuk area. There have been allegations that names of certain candidates' supporters have been deleted from the master lists of registered voters and that election poll workers have taken actions on the basis of their personal political affiliations. Senator Paul asked the nominee, if confirmed, to be mindful of the problems in Chuuk.

Speaker Figir asked the nominee if he thought national and state elections should be merged, in order to economize. The nominee responded that there are advantages and disadvantages to both positions and he does not currently have a solid answer.

Senator Nelson reminded the nominee of the importance of fairness, respect for the law and the separation of church and the responsibilities of the National Election Director.

Senator Welly asked the nominee if, given his Christian faith and corresponding duty to forgive, he would be prepared to dismiss an employee who did not do her or his job properly. The nominee responded that he would respect the rules and laws governing the work of the National Election Director.

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The nominee said he would be willing to seek independent legal advice if he disagreed with the Attorney General.

The nominee was excused and your committee then met with the current National Election Director. Mr. John noted that the next national election will take place in twelve months' time. The FSM will need an experienced election director to deal with that challenge.

**CONCLUSION**

Based on the above hearings, your committee is satisfied with the qualifications and dedication of the nominee and recommends him with confidence for the position of National Election Director.

Your Committee on HESA is in accord with the intent and purpose of C.R. No. 15-80 and recommends its adoption in the form attached hereto as C.R. No. 15-80.

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Respectfully submitted,

/s/ Peter Sitan  
Peter Sitan, chairman

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

/s/ Tiwiter Aritos  
Tiwiter Aritos, member

Isaac V. Figir, member

Dohsis Halbert, member

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

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