

REPORT TO THE COMMITTEE OF THE WHOLE  
OF THE COMMITTEE ON PERSONAL RIGHTS  
AND NATURAL RESOURCES

Subject: COMMITTEE RECOMMENDATION NO. 2:  
Elections and Election Procedures

The Committee on Personal Rights and Natural Resources recommends that the Committee of the Whole adopt in principle the attached Constitutional provision with respect to elections and election procedures.

The Committee recommends that a separate article of the Constitution be devoted to elections and election procedures and that this article have four sections that cover general elections, other elections, election procedures and taking office after elections.

The reasons for the Committee's recommendations are set out below.

Section 1: General Elections. The Committee recommends that there be one regular general election throughout the Commonwealth and that this election be held on the first Sunday in November. The Committee further recommends that all Commonwealth officers be elected at this general election. This would include all the elected officials from the executive branch, the legislative branch, the Washington Representative, and any other officials whose election is provided for in the Constitution.

The Committee has three reasons for this recommendation. First, consolidating the election of all

Commonwealth officers into one general election is less costly than conducting several separate elections. Second, voter interest and attention would be concentrated on the important Commonwealth election contests. Third, not all Commonwealth officers would be standing for election every year and the number of offices to be filled at the general election in any given year, therefore, will not be so great as to cause voter confusion.

Section 2: Other Elections. The Committee recommends that the legislature be given the responsibility of providing for other elections. This would include local government elections and special elections not provided for by the Constitution. This provision is intended to permit the legislature to make a judgment whether it would be useful to consolidate local elections with the regular general elections or to hold them separately at different times. This provision would also permit the legislature to delegate the responsibility for providing for local elections to the local government units themselves.

Section 3: Election procedures. This provision delegates to the legislature the responsibility of providing for the details of election procedures. The Committee makes this recommendation because it believes these matters are more appropriately governed by statute. Election procedures often need to be modified and these modifications should not require a constitutional amendment.

- 3 -

Under this provision the legislature may provide for such things as the resolution of contested elections, voting protections (protecting voters from arrest, service of process or jury duty during the time they are voting), absentee voting, secrecy in voting, language aid to voters who do not speak English, Chamorro or Carolinian, definitions of and penalties for election fraud, election holidays, method of voting (ballot, punch card, or voting machine), party voting, ballot format, methods of counting votes, methods of supervising voting places, selection of election officials, voter registration, primary elections and other nominating procedures.

These matters are currently within the jurisdiction of the legislature and the Committee believes that this system should be continued.

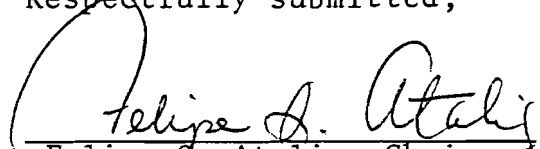
#### Section 4: Taking Office After Elections

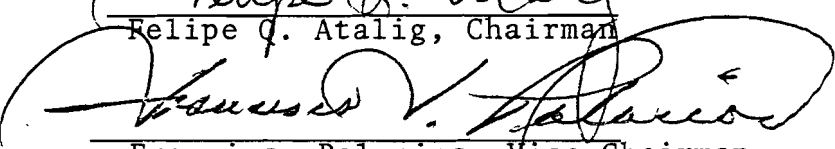
The Committee recommends that there be a uniform provision with respect to taking office after election. The Committee's proposed constitutional provision requires that all Commonwealth officers elected at the regular general election in November take office on the second Monday of January of the following year. This would also apply to any local government or other officials elected at the general election if that were specified by the legislature.

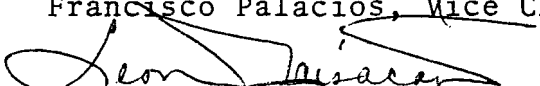
- 4 -

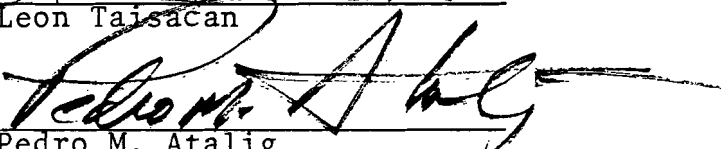
The Committee believes that it is important to have an orderly succession to office. This provision leaves approximately two months, between the first Sunday in November and the second Monday in January, for the transition from one office holder to another to be completed. The Committee believes that this is sufficient time to provide for orderly transition while not leaving hold-over officers in office too long after they have been defeated at the polls. The Committee considered designating the first day of January but decided that the date on which officers would take office should not fall on a holiday.

Respectfully submitted,

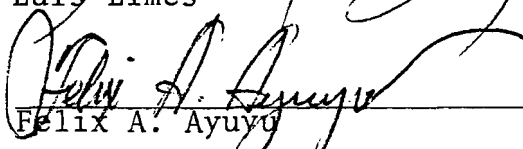
  
Felipe G. Atalig, Chairman

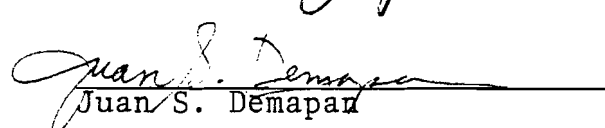
  
Francisco Palacios, Vice Chairman

  
Leon Taisacan

  
Pedro M. Atalig

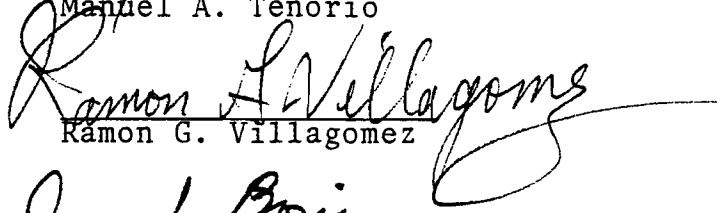
  
Luis Limes

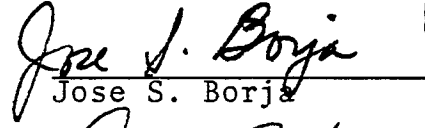
  
Felix A. Ayuya

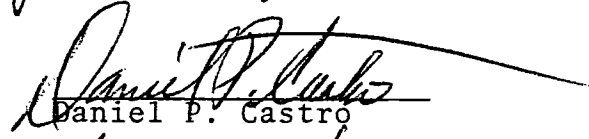
  
Juan S. Demapan

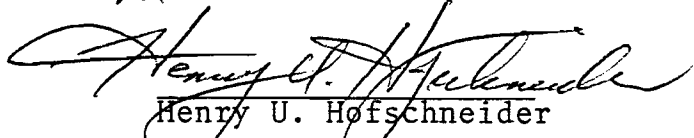
- 5 -


  
Manuel A. Tenorio

  
Ramon G. Villagomez

  
Jose S. Borja

  
Daniel P. Castro

  
Henry U. Hofschneider

  
Hilario F. Diaz

## ARTICLE \_\_\_\_

## Elections

Section 1: General Election. The election of officers of the Commonwealth provided for by Article \_\_\_\_ (Executive Branch), Article \_\_\_\_ (Legislative Branch), and Article \_\_\_\_ (Washington Representative) of this Constitution shall be held on the first Sunday in November. This election shall be the regular general election of the Commonwealth.

Section 2: Other Elections. Other elections shall be held as provided by law.

Section 3: Election Procedures. The legislature shall by law provide for the registration of voters, the nomination of candidates, absentee voting, secrecy in voting, the administration of elections, the resolution of election contests, and all other matters with respect to election procedures.

Section 4: Taking Office After Elections. All officers elected at the regular general election shall take office on the second Monday of January of the year following the year in which the election was held.