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# Elections Supervisor Petitions For Electoral Reform; Proposed Measure Would Allow Voter Registration at BMV

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Supervisor of Elections Caroline Fawkes has made an impassioned plea for legislators to consider total electoral reform for the territory following the November, 8, 2022 General Elections.

When the Committee on Rules and Judiciary met on Thursday to revise the language of existing regulations contained within the territory's election laws, Ms. Fawkes petitioned for a total overhaul of the system which she described as "outdated" and "ambiguous".

She said, "In the past, only certain sections of the code would be amended," even while there are numerous sections in Title 18 that conflict with other sections in Title 18 and other sections that no longer apply due to the advancement in technology.

“Today, I sit in front of members of the 34th Legislature through the Committee of Rules and Judiciary once again pleading for this body to pass these amendments to Title 18,” she stressed.

Senator Kenneth Gittens, who has pioneered a number of election reform legislation is responsible for sponsoring 10 changes to the current election law that came before the committee yesterday. Some of which Ms. Hawkes said have been worked on for years but the process had been continuously nullified when they had to start over whenever new senators are elected. She admitted that the process to reform the law would be lengthy but said necessary.

Ms. Fawkes nonetheless supported the legislative change before the committee which includes increasing the board member stipend by \$25, removing outdated text like the use of “cards and binders” and “joint boards” which spoke to an old Board of Elections system which was voted out in 2015 by the 31st Legislature. There is also an amendment to increase the compensation of election offices and clerks, as well as workers stipends following this year’s election.

It also includes changes to the role of the Supervisor of Elections and the Bureau of Motor Vehicles (BMV) which the supervisor considers to be significant.

The change will remove the responsibility of preparation, deployment, execution, and redeployment of an election under a state of emergency from the Board of Directors and place it under the purview of the Supervisor of Elections. The change proposes that the Supervisor of Elections, during or in the event of a State of Emergency, natural, or man-made disaster, or extreme inclement weather, consult and collaborate with the Board of Elections in order to jointly adopt rules and regulations setting forth the particulars for the exercise of the emergency powers granted.

In regards to the BMV, Bill No 34-457 proposes that persons may register to vote at the Bureau of Motor Vehicle during the hours it is open to the public. The director of the BMV will work with the Supervisor of Elections to train workers who are fluent in both Spanish and English, and designate an employee in each district as a registrar.

Ms. Fawkes said BMV will verify voters’ information and their eligibility to vote. That information will then be submitted to the elections body who will further verify it.

“We will verify on our end; we will put them in the database,” she remarked, adding that voters may go to the BMV to take photos for their I.D cards.

“Because they go through a process to get your drivers license, where you provide your passport or your birth paper etc., they already have that [system] in place which helps us. So we're going to take that data and that information,” she explained further.

Meanwhile, the supervisor has recommended for future review the addition of the terms ‘Referendum’, ‘Run Off Election’ — a continuation of the General Election; which is considered a second election and ‘Initiative’ — a process which allows citizens to propose a new statute or constitutional amendment.

She explained that this form of election is held if “the top vote-getting candidate” in a first election; the general election, did not achieve the minimum percentage of votes required to declare victory, while an initiative is a process that enables citizens to bypass their state Legislature by placing proposed statutes and, in some states, constitutional amendments on the ballot.

“There are two types of initiatives: direct and indirect. In the direct process, proposals that qualify go directly on the ballot. In the indirect process, the proposal is submitted to the Legislature. The Legislature can approve the proposed measure, or a similar one, in which case it is unnecessary for the measure to go on the ballot for voters to consider.”

The referendum meanwhile, will allow citizens to refer a law that passed the Legislature to the ballot for voters to decide whether to uphold or repeal the law.

In response to a question from Senator Angel Bolques, Ms. Fawkes also suggested that amendments be made to fix the disparity that allow gubernatorial candidates and not senatorial candidates to run for re-election despite having been convicted of a felony.

“Based on this election that we’re going through when we got to the nomination process, we found that was a concern. We addressed it to the AG and in that research, we looked at Guam law, the legislative law, and Guam implemented laws in their Legislature that addresses that. So I would recommend this body, or someone to look at that. We’ll furnish them the information; we could create law so that that is prevented,” she stated.

The committee was adjourned without voting on the changes to go forward, however in her presentation Ms. Fawkes suggested that the amendments before the committee should have an effective date of February 20, 2023, which is when the Election System celebrates 60 years in existence.