

AN ACT

To amend Public Law No. 11-53, concerning the selection of delegates and procedures for the Constitutional Convention, by amending sections 2, 3, 4 and 8, to clarify the procedure for electing delegates in single district states and make other corrections therein, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1           Section 1. Section 2 of Public Law No. 11-53 is hereby amended to  
2 read as follows:

3           "Section 2. Delegates. The Convention shall consist of four  
4 delegations composed of one delegation from each of the four  
5 states of the Federated States of Micronesia.

6           (1) Composition of Delegations. The delegates, all of whom  
7 shall be citizens of the Federated States of Micronesia,  
8 shall be selected as follows:

9           (a) There shall be five (5) delegates elected from  
10 existing congressional districts and one (1) delegate elected  
11 at-large from Chuuk State.

12           (b) There shall be three (3) delegates elected from  
13 existing congressional districts and one (1) delegate elected  
14 at-large from Pohnpei State.

15           (c) There shall be two (2) delegates elected at-large  
16 from Yap State.

17           (d) There shall be two (2) delegates elected at-large  
18 from Kosrae State.

19           (2) Eligibility. Unless otherwise excluded by law, a  
20 person shall be eligible for election as a delegate from the  
21 representative state if he or she:

22           (a) is a citizen who is twenty-five (25) years of age  
23 or older; and

1           (b) has fulfilled the residency requirements set forth  
2           in title 9 of the Code of the Federated States of Micronesia  
3           for registration as a voter in the representative state or in  
4           the case of district candidates, in the representative  
5           district; and

6           (c) is not currently under a judgement of mental  
7           incompetency or insanity, or under parole, probation, or a  
8           sentence for any felony for which he or she has been  
9           convicted by any court.

10          (3) All delegates shall be voting members."

11          Section 2. Section 3 of Public Law No. 11-53 is hereby amended to  
12          read as follows:

13          "Section 3. Elections.

14          (1) Except as otherwise provided in this act, election of  
15          delegates shall be held in accordance with title 9 of the  
16          Code of the Federated States of Micronesia, as amended.

17          (2) The election of delegates shall be held  
18          simultaneously with the regular congressional election  
19          in March 2001.

20          (3) In each State from which both at-large and district  
21          delegates are elected, each person voting for delegates shall  
22          be permitted to vote for one district delegate and one  
23          delegate at-large. The candidate receiving the highest  
24          number of votes for a district or at-large seat shall be the  
25          delegate to the Convention from the representative district

1 or state.

2 (4) In each State from which delegates are elected only at-  
3 large, each person voting for delegates shall be permitted to  
4 vote for two delegates. The two candidates receiving the  
5 highest number of votes shall be the delegates to the  
6 convention from that state.

7 (5) The Convention shall be the sole judge of the  
8 elections, returns, and qualifications of its members;  
9 PROVIDED, however, that in case of a tie vote in the  
10 election, the winner shall be determined, if necessary, in a  
11 run-off election between the candidates so tied. Run-off  
12 elections shall occur no later than thirty days after the  
13 results of the general delegate election have been  
14 announced."

15 Section 3. Section 4 of Public Law No. 11-53 is hereby amended to  
16 read as follows:

17 "Section 4. Vacancies. Vacancies in any state's convention  
18 delegation shall be filled by the relevant candidate  
19 receiving the next highest number of votes in the state's  
20 delegate election. In the event of a tie between two or more  
21 candidates for the next highest number of votes, the vacancy  
22 shall be filled by appointment by the Governor from among the  
23 tied candidates. Any vacancy of a delegate who was unopposed  
24 in the delegate election shall be filled by appointment by  
25 the Governor."

1           Section 4. Section 8 of Public Law No. 11-53 is hereby amended to  
2 read as follows:

3           "Section 8. Duties of the Convention.

4           (1) The Convention shall propose amendments to the  
5 Constitution to be placed on a ballot for a referendum to be  
6 held in March 2003, or during a special election called for  
7 that purpose or an earlier date; PROVIDED, however, that in  
8 the event that an amendment would affect the general  
9 election, the amendment or amendments shall be voted on in a  
10 special referendum called by the President of the Federated  
11 States of Micronesia for December of 2002.

12           (2) Proposed amendments to the Constitution shall be in the  
13 format set forth in the Constitutional Amendment Procedure  
14 Act title 1, section 703 of the Code of the Federated States  
15 of Micronesia, as amended, and any regulations issued  
16 pursuant thereto.

17           (3) When said amendments have been proposed by the  
18 Convention, the Convention shall notify the President of the  
19 Federated States of Micronesia, who shall transmit a copy of  
20 the amendments to the Congress of the Federated States of  
21 Micronesia, and shall call a referendum as provided by title  
22 1, chapter 7 of the Code of the Federated States of  
23 Micronesia, as amended."

1 Section 5. This act shall become law upon approval by the  
2 President of the Federated States of Micronesia or upon its becoming  
3 law without such approval.

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1/8/ \_\_\_\_\_, 2001

/s/ \_\_\_\_\_  
Leo A. Falcam  
President  
Federated States of Micronesia

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