

AN ACT

To provide for the selection of delegates and procedures for the Constitutional Convention approved in the referendum of March 2019, and for other purposes.

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

1 Section 1. Constitutional Convention. There is hereby
2 created a Constitutional Convention (the "Convention") in and
3 for the Federated States of Micronesia. The Convention shall be
4 known as "The Fourth Constitutional Convention of the Federated
5 States of Micronesia".

6 Section 2. Delegates. The Convention shall consist of
7 four delegations composed of one delegation from each of the
8 four states of the Federated States of Micronesia. Each
9 delegation shall consist of one at-large seat and two seats per
10 election district.

11 (1) Composition of Delegations. The delegates, all of
12 whom shall be citizens of the Federated States of Micronesia,
13 shall be selected as follows:

14 (a) There shall be eleven (11) delegates elected
15 from existing congressional districts from Chuuk State.

16 (b) There shall be seven (7) delegates elected from
17 existing congressional districts from Pohnpei State.

18 (c) There shall be three (3) delegates elected from
19 the congressional district from Yap State.

1 (d) There shall be three (3) delegates elected from
2 the congressional district from Kosrae State.

3 (2) Eligibility. Unless otherwise excluded by law, a
4 person shall be eligible for election as a delegate from the
5 representative state if the person:

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

8 (b) has fulfilled the residency requirements set
9 forth in title 9 of the Code of the Federated States of
10 Micronesia (Annotated) for registration as a voter in the
11 representative state or in the case of district candidates, in
12 the representative district; and

13 (c) is not currently under a judgment of mental
14 incompetency or insanity, or under parole, probation, or a
15 sentence for any felony for which he has been convicted by any
16 court.

17 (3) All delegates shall be voting members.

18 Section 3. Elections.

19 (1) Except as otherwise provided in this act, election
20 of delegates shall be held in accordance with title 9 of the
21 Code of the Federated States of Micronesia (Annotated).

22 (2) The election of delegates shall be held during a
23 special election on the first Tuesday after the first Monday in
24 November, 2019.

25 (3) Each person voting for delegates shall be permitted

1 to vote for one at-large seat and one district delegate. The
2 candidate receiving the highest number of votes for a district
3 seat shall be the delegate to the Convention from the
4 representative district.

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

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

21 Section 5. Pre-Convention Committee.

22 (1) There shall be a Pre-Convention Committee which
23 shall consist of two members from each state's convention
24 delegation who are selected by a majority vote of that state's
25 convention delegation. Such selection shall be made no later

1 than November 19, 2019, in writing by the state's delegation to
2 the President of the Federated States of Micronesia.

3 (2) The Pre-Convention Committee shall be convened on
4 the first Tuesday after the first Monday in December, 2019, at
5 the call of the Speaker of the Congress of the Federated States
6 of Micronesia, and shall choose its own officers and organize
7 according to its own rules and procedures.

8 (3) The duties of the Pre-Convention Committee shall be
9 as follows:

10 (a) to make arrangements for accommodations,
11 equipment and facilities; PROVIDED, HOWEVER, that the
12 Pre-Convention Committee shall, whenever possible, arrange to
13 utilize National Government equipment and facilities;

14 (b) to make arrangements for staff;

15 (c) to prepare a budget for the Constitutional
16 Convention to be submitted to Congress in the regular or
17 special session of Congress next following;

18 (d) to confer with the various state delegations
19 to identify those issues that each delegation wishes to raise
20 at the Convention;

21 (e) to commission any research that it feels
22 should be performed on issues identified by the state
23 delegations prior to the convening of the Convention;

24 (f) to prepare proposed rules and procedures; and

25 (g) to perform other functions not otherwise

1 reserved to the Convention which will assure a successful and
2 orderly Convention.

3 (4) Members of the Pre-Convention Committee shall be
4 entitled to per diem and travel expenses at standard rates, as
5 provided by the Financial Management Regulations of the
6 National Government of the Federated States of Micronesia,
7 while on the business of the Committee.

8 (5) Staff assistance for the Pre-Convention Committee
9 shall be provided as needed through the National Government of
10 the Federated States of Micronesia.

11 (6) The Pre-Convention Committee shall complete its
12 work in no more than fifteen calendar days.

13 Section 6. Procedures.

14 (1) The Constitutional Convention shall be convened on
15 the first Tuesday after the first Monday in January, 2020, and
16 the Constitutional Convention shall continue in session for no
17 longer than thirty calendar days; PROVIDED, HOWEVER, that the
18 Convention may:

19 (a) call recesses; and

20 (b) extend the session, if necessary, for up to a
21 total of forty-five calendar days.

22 (2) The President of the Federated States of
23 Micronesia, or their designee, shall act as President of the
24 Convention until the Convention selects a President from among
25 its membership.

1 (3) The Convention shall select, from among its
2 membership, a President and such additional officers as it may
3 deem necessary and appropriate.

4 (4) The Convention shall adopt its own rules and
5 procedures not inconsistent with this act. All sessions of the
6 Convention shall be open to the public.

7 (5) A quorum of the Convention shall consist of all of
8 the four state delegations. For the purpose of determining a
9 quorum, a state delegation is not present unless more than
10 one-half of the delegates from that state are present.

11 Section 7. Powers of Convention.

12 (1) Subpoena Powers. The President of the
13 Constitutional Convention, or the Chairman of any duly
14 established committee thereof, shall have the power and
15 authority to issue subpoenas requiring the attendance of
16 witnesses or the production of books, documents or other
17 evidence, in any matter related to the purpose of the
18 Constitutional Convention. Any subpoena or other process
19 issued under the authority of the Convention shall be issued in
20 the name of the Federated States of Micronesia and shall be
21 addressed to any police officer of the Federated States of
22 Micronesia or of any state. Such subpoena or other process
23 shall be signed by the President of the Convention, shall
24 contain a reference to this section, and shall set forth in
25 general terms the matter or questions with reference to which

1 such testimony or other evidence is to be taken. Any officer
2 to whom the process described in this subsection is directed,
3 if within their jurisdiction, shall forthwith serve or execute
4 the same, without charge or compensation; PROVIDED, HOWEVER,
5 that any officer serving or executing such subpoena or process
6 shall be compensated for their actual expenses, if any, in
7 connection therewith.

8 (2) Oaths and Affirmations. The President of the
9 Convention or the Chairman of any duly established committee
10 thereof may administer oaths to witnesses in any matter under
11 the examination of the Convention. Every person who, summoned
12 as a witness by the Convention to give testimony or to produce
13 papers upon any matter under inquiry before the Convention,
14 refuses to make oath or affirmation, or to answer any question
15 or inquiry, shall be guilty of contempt of the Constitutional
16 Convention and, upon conviction thereof, shall be fined not
17 more than \$1,000 or imprisoned for not more than one year, or
18 both. Whenever a person violates any of the provisions of this
19 subsection, the President of the Convention shall certify a
20 statement of such facts to the Secretary of the Department of
21 Justice who shall prosecute the offender in the Supreme Court
22 of the Federated States of Micronesia.

23 (3) The officers and employees of the Federated States
24 of Micronesia shall cooperate with the Convention, furnishing
25 such information as may be called for in connection with

1 research activities of the Convention.

2 (4) No delegate to the Convention shall be held to
3 answer before any tribunal, other than the Convention, for any
4 speech or debate in the Convention, and the delegates shall in
5 all cases, except treason, felony, or breach of the peace, be
6 privileged from arrest while on the business of or in
7 attendance at the Convention, and in going to and from the
8 same.

9 Section 8. Duties of the Convention.

10 (1) The Convention shall propose amendments to the
11 Constitution to be placed on a ballot for a referendum to be
12 held in March 2021, or during a special election called for
13 that purpose on an earlier date; PROVIDED, HOWEVER, that in the
14 event that an amendment would effect the general election, the
15 amendment or amendments shall be voted on in a special
16 referendum called by the President of the Federated States of
17 Micronesia for December of 2020.

18 (2) Proposed amendments to the Constitution shall be in
19 the format set forth in the Constitutional Amendment Procedure
20 Act, title 1, section 703 of the Code of the Federated States
21 of Micronesia (Annotated), as amended, and any regulations
22 issued pursuant thereto.

23 (3) When said amendments have been proposed by the
24 Convention, the Convention shall notify the President of the
25 Federated States of Micronesia, who shall transmit a copy of

1 the amendments to the Congress of the Federated States of
2 Micronesia, and shall call a referendum as provided by title 1,
3 chapter 7 of the Code of the Federated States of Micronesia
4 (Anotated), as amended.

5 Section 9. Expenses of delegates and staff.

6 (1) All delegates and staff of the Convention shall be
7 entitled to per diem and travel expenses at standard rates, as
8 provided by the Financial Management Regulations of the
9 National Government of the Federated States of Micronesia,
10 while on the business of the Convention.

11 (2) Any delegate who is an official or employee of the
12 National Government of the Federated States of Micronesia shall
13 be placed on administrative leave with pay and shall be
14 entitled to receive their regular salary during their service
15 as delegate.

16

17

18

19

20

21

22

23

24

25

1 Section 10. This act shall become law upon approval by
2 the President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

4

5

6

7

8

August 7, 2019

9

10

11

12

13

/s/ David W. Panuelo
David W. Panuelo
President
Federated States of Micronesia

14

15

16

17

18

19

20

21

22

23

24

25