

VHGO

A BILL FOR AN ACT

To further amend title 1 of the Code of the Federated States of Micronesia, as amended, by amending section 702(2), and to further amend title 9 of the Code of the Federated States of Micronesia, as amended, by further amending section 105(1), as amended by Public Law No. 8-97, and by further amending section 202, previously section 203 and amended by Public Law No. 5-70, and renumbered as section 202 by Public Law No. 5-103, for the purpose of requiring earlier submission of petitions in order to make possible the earlier preparation and distribution of ballots, and for other purposes.

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

1 Section 1. Section 702 of title 1 of the Code of the
2 Federated States of Micronesia is hereby amended to read as
3 follows:

4 "Section 702. Methods of proposing constitutional
5 amendments.

6 (1) There shall be three methods of
7 proposing amendments to the Constitution of the
8 Federated States of Micronesia:

9 (a) Constitutional convention. Upon
10 application of the legislatures of three-fourths
11 of the States, the Congress of the Federated
12 States of Micronesia shall enact a law authorizing
13 a constitutional convention for the purpose of
14 proposing a specific amendment or amendments to
15 the Constitution. At least every ten years, the
16 Congress shall submit to the voters the question:
17 "Shall there be a convention to revise or amend
18 the Constitution?" A referendum on the question
19 shall be held no later than May 10, 1989; or

20 (b) Initiative petition. A
21 constitutional amendment may be proposed by a
22 popular initiative petition signed by no less than
23 ten percent of the registered voters in not less
24 than three-fourths of the States. An initiative
25 petition with the requisite number of signatures

1 shall be transmitted by the election commissioner of
 2 each respective State as established in section
 3 703(4) of this chapter, without delay to the
 4 President of the Federated States of Micronesia; or

5 (c) Congressional act. A
 6 constitutional amendment may also be proposed by
 7 an act of Congress pursuant to the provisions of
 8 article IX, sections 20 through 22 of the
 9 Constitution.

10 (2) No proposed constitutional amendment
 11 will be placed on the ballot in a general election
 12 for Members of the Congress of the Federated
 13 States of Micronesia unless it shall have been
 14 received by the President no later than [~~forty-~~
 15 ~~five~~] seventy-five consecutive days prior to the
 16 date of said general election; provided, however,
 17 that nothing in this subsection shall prevent a
 18 proposed constitutional amendment from being
 19 placed on the ballot during a special election
 20 called by the President for that purpose."

21 Section 2. Section 105 of title 9 of the Code of the
 22 Federated States of Micronesia, as amended by Public Law No.
 23 8-97, is hereby further amended to read as follows:

24 "Section 105. Vacancies - Special election.

25 (1) After the election of the President and

1 Vice President, vacancies shall be declared by the
2 Speaker of Congress for the seats to which the
3 President and Vice President were originally
4 elected as Members-at-large of the Congress of the
5 Federated States of Micronesia. Upon notification
6 by the Speaker, the national election commissioner
7 of the affected State(s) shall schedule a special
8 election to occur fifty days after receipt of
9 notification. A candidate for the special
10 election must submit a petition for candidacy
11 within [~~twenty~~] fifteen days after the national
12 election commissioner schedules the special
13 election. After all candidates are registered,
14 the National Election Director shall cause the
15 ballots to be produced. Absentee ballots are to
16 be available from the National Election Director
17 up to five days before the election date.

18 (2) Any other vacancy in the Congress shall
19 be filled for the unexpired term by special
20 election, except that an unexpired term of one
21 year or less shall be filled by appointment by the
22 chief executive of the State affected. The
23 appointee shall possess the qualifications
24 required by section 201 of this title and shall
25 serve only for the unexpired term."

1 Section 3. Section 202 of title 9 of the Code of the
2 Federated States of Micronesia, previously section 203 and
3 amended by Public Law No. 5-70, and renumbered as section
4 202 by Public Law No. 5-103, is hereby further amended to
5 read as follows:

6 "Section 202. Nomination by petition. Nomination
7 of candidates shall be made by petition initiated
8 by a candidate; provided, that said nomination
9 petition shall specify whether the candidate is
10 seeking a four-year or a two-year term of
11 membership of the Congress. The name of any
12 candidate for election shall be printed on an
13 official ballot to be used for choosing candidates
14 only if, at least [45] seventy-five days prior to
15 such election, a nomination paper shall have been
16 filed in the office of the national election
17 commissioner of the State concerned and signed by
18 at least twenty-five qualified voters of the State
19 or single-member congressional district wherein he
20 seeks election, as the case may be. There shall
21 be deposited with the nomination paper a filing
22 fee of twenty-five dollars, which shall be paid
23 over to the General Fund of the Federated States
24 of Micronesia as a local revenue available for
25 appropriation by the Congress. Any person who is


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1 elected as a write-in candidate[7] shall, after
 2 certification of the election results, pay a
 3 twenty-five dollar fee. The national election
 4 commissioner of the State concerned shall, upon
 5 receipt of the nomination paper, endorse thereon
 6 the day, hour, and minute that such nomination
 7 paper is received."

8 Section 4. This act shall become law upon approval by
 9 the President of the Federated States of Micronesia or upon
 10 its becoming law without such approval.

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Date: 4/12/99

Introduced by: 
 Nishima E. Yleizah