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 Federated States of Micronesia is hereby amended to read as follows:

   "Section 702. Methods of proposing constitutional amendments.

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

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

   (b) Initiative petition. A constitutional amendment may be proposed by a popular initiative petition signed by no less than ten percent of the registered voters in not less than three-fourths of the States. An initiative petition with the requisite number of signatures
shall be transmitted by the election commissioner of each respective State as established in section 703(4) of this chapter, without delay to the President of the Federated States of Micronesia; or

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

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

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

"Section 105. Vacancies - Special election.

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

(2) Any other vacancy in the Congress shall be filled for the unexpired term by special election, except that an unexpired term of one year or less shall be filled by appointment by the chief executive of the State affected. The appointee shall possess the qualifications required by section 201 of this title and shall serve only for the unexpired term."
Section 3. Section 202 of title 9 of the Code of the Federated States of Micronesia, previously section 203 and amended by Public Law No. 5-70, and renumbered as section 202 by Public Law No. 5-103, is hereby further amended to read as follows:

Section 202. Nomination by petition. Nomination of candidates shall be made by petition initiated by a candidate; provided, that said nomination petition shall specify whether the candidate is seeking a four-year or a two-year term of membership of the Congress. The name of any candidate for election shall be printed on an official ballot to be used for choosing candidates only if, at least [45] seventy-five days prior to such election, a nomination paper shall have been filed in the office of the national election commissioner of the State concerned and signed by at least twenty-five qualified voters of the State or single-member congressional district wherein he seeks election, as the case may be. There shall be deposited with the nomination paper a filing fee of twenty-five dollars, which shall be paid over to the General Fund of the Federated States of Micronesia as a local revenue available for appropriation by the Congress. Any person who is
elected as a write-in candidate after certification of the election results, pay a twenty-five dollar fee. The national election commissioner of the State concerned shall, upon receipt of the nomination paper, endorse thereon the day, hour, and minute that such nomination paper is received."

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

Date: 4/12/99

Introduced by: Nishima E. Sileizah

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