

A BILL FOR 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
4 be known as "The Fourth Constitutional Convention of the
5 Federated 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.

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

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

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

18 (c) There shall be one (1) delegate elected from the
19 congressional district and one (1) delegate elected at-large

1 from Yap State.

2 (d) There shall be one (1) delegate elected from
3 the congressional district and one (1) delegate elected at-
4 large from Kosrae State.

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

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

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

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

19 (3) All delegates shall be voting members.

20 Section 3. Elections.

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

24 (2) The election of delegates shall be held
25 simultaneously with the regular congressional election in March

1 2021.

2 (3) Each person voting for delegates shall be permitted
3 to vote for one district delegate and one delegate at-large.
4 The candidate receiving the highest number of votes for a
5 district or at-large seat shall be the delegate to the
6 Convention from the representative district or state.

7 (4) 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 election,
10 the winner shall be determined, if necessary, in a run-off
11 election between the candidates so tied. Run-off elections
12 shall occur no later than thirty days after the results of the
13 general delegate election have been announced.

14 (5) In any state with only a single election district,
15 all candidates shall run at-large.

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

1 Section 5. Pre-Convention Committee.

2 (1) There shall be a Pre-Convention Committee which
3 shall consist of two members from each state's convention
4 delegation who are selected by a majority vote of that state's
5 convention delegation. Such selection shall be made no later
6 than May 19, 2021, in writing by the state's delegation to the
7 President of the Federated States of Micronesia.

8 (2) The Pre-Convention Committee shall be convened at
9 the call of the Speaker of the Congress of the Federated States
10 of Micronesia, and shall choose its own officers and organize
11 according to its own rules and procedures.

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

14 (a) to make arrangements for accommodations,
15 equipment and facilities; PROVIDED, HOWEVER, that the
16 Pre-Convention Committee shall, whenever possible, arrange to
17 utilize National Government equipment and facilities;

18 (b) to make arrangements for staff;

19 (c) to prepare a budget for the Constitutional
20 Convention to be submitted to Congress in the regular or
21 special session of Congress next following;

22 (d) to confer with the various state delegations
23 to identify those issues that each delegation wishes to raise
24 at the Convention;

25 (e) to commission any research that it feels

1 should be performed on issues identified by the state
2 delegations prior to the convening of the Convention;

3 (f) to specify a date for convening the
4 Convention;

5 (g) to prepare proposed rules and procedures; and

6 (h) to perform other functions not otherwise

7 reserved to the Convention which will assure a successful and
8 orderly Convention.

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

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

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

19 Section 6. Procedures.

20 (1) Once convened, the Constitutional Convention shall
21 continue in session for no longer than thirty calendar days;
22 PROVIDED, HOWEVER, that the Convention may:

23 (a) call recesses; and

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

1 (2) The President of the Federated States of
2 Micronesia, or his designee, shall act as President of the
3 Convention until the Convention selects a President from among
4 its membership.

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

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

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

15 Section 7. Powers of Convention.

16 (1) Subpoena Powers. The President of the
17 Constitutional Convention, or the Chairman of any duly
18 established committee thereof, shall have the power and
19 authority to issue subpoenas requiring the attendance of
20 witnesses or the production of books, documents or other
21 evidence, in any matter related to the purpose of the
22 Constitutional Convention. Any subpoena or other process
23 issued under the authority of the Convention shall be issued in
24 the name of the Federated States of Micronesia and shall be
25 addressed to any police officer of the Federated States of

1 Micronesia or of any state. Such subpoena or other process
2 shall be signed by the President of the Convention, shall
3 contain a reference to this section, and shall set forth in
4 general terms the matter or questions with reference to which
5 such testimony or other evidence is to be taken. Any officer
6 to whom the process described in this subsection is directed,
7 if within his jurisdiction, shall forthwith serve or execute
8 the same, without charge or compensation; PROVIDED, HOWEVER,
9 that any officer serving or executing such subpoena or process
10 shall be compensated for his actual expenses, if any, in
11 connection therewith.

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

1 of the Federated States of Micronesia.

2 (3) The officers and employees of the Federated States
3 of Micronesia shall cooperate with the Convention, furnishing
4 such information as may be called for in connection with
5 research activities of the Convention.

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

13 Section 8. Duties of the Convention.

14 (1) The Convention shall propose amendments to the
15 Constitution to be placed on a ballot for a referendum to be
16 held in March 2023, or during a special election called for
17 that purpose on an earlier date; PROVIDED, HOWEVER, that in the
18 event that an amendment would effect the general election, the
19 amendment or amendments shall be voted on in a special
20 referendum called by the President of the Federated States of
21 Micronesia for December of 2022.

22 (2) Proposed amendments to the Constitution shall be in
23 the format set forth in the Constitutional Amendment Procedure
24 Act, title 1, section 703 of the Code of the Federated States
25 of Micronesia, as amended, and any regulations issued pursuant

1 thereto.

2 (3) When said amendments have been proposed by the
3 Convention, the Convention shall notify the President of the
4 Federated States of Micronesia, who shall transmit a copy of
5 the amendments to the Congress of the Federated States of
6 Micronesia, and shall call a referendum as provided by title 1,
7 chapter 7 of the Code of the Federated States of Micronesia, as
8 amended.

9 Section 9. Expenses of delegates and staff.

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

15 (2) Any delegate who is an official or employee of the
16 National Government of the Federated States of Micronesia shall
17 be placed on administrative leave with pay and shall be
18 entitled to receive his or her regular salary during their
19 service as delegate.

20 Section 10. This act shall become law upon approval by
21 the President of the Federated States of Micronesia or upon its
22 becoming law without such approval.

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24 Date: 5/6/19

Introduced by: /s/ Wesley W. Simina
Wesley W. Simina

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