

JYGO

A BILL FOR AN ACT

Setting forth the procedure for amending the Constitution of the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Short Title. This act shall be known and may be
2 cited as the "Constitutional Amendment Procedure Act."

3 Section 2. Methods of proposing constitutional amendments.

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

6 (a) Constitutional convention. Upon application of the
7 legislatures of three-fourths of the States, the Congress of the
8 Federated States of Micronesia shall enact a law authorizing a constitu-
9 tional convention for the purpose of proposing a specific amendment or
10 amendments to the Constitution. Not less than every 10 years, the Congress
11 shall submit to the voters the question: "Shall there be a
12 convention to revise or amend the Constitution?" A referendum on the
13 question shall be held no later than May 10, 1989; or

14 (b) Initiative petition. A constitutional amendment
15 may be proposed by a popular initiative petition signed by no less
16 than 10 percent of the registered voters in not less than three-fourths
17 of the States. An initiative petition with the requisite number of
18 signatures shall be transmitted by the Governor of each respective
19 State without delay to the President of the Federated States of
20 Micronesia; or

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

24 (2) No proposed constitutional amendment will be placed on
25 the ballot in a general election for Members of the Congress of the

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1 Federated States of Micronesia unless it shall have been received by
2 the President no later than 30 consecutive calendar days prior to the
3 date of said general election; PROVIDED, HOWEVER, that nothing in this
4 subsection shall prevent a proposed constitutional amendment from
5 being placed on the ballot during a special election called by the
6 President for that purpose.

7 Section 3. Format of constitutional amendments. The format of
8 constitutional amendments shall be uniform and prescribed by the
9 President, according to the following basic guidelines:

10 (1) Proposed constitutional amendments which have been
11 received by the President pursuant to section 2 of this act shall be
12 printed on ballots to be voted on simultaneously by all voters of the
13 Federated States of Micronesia during a general election for the
14 Members of the Congress of the Federated States of Micronesia or during
15 a special election called by the President specifically for that
16 purpose.

17 (2) The proposed constitutional amendment shall cite the
18 appropriate article of the Constitution by title and shall state at
19 length the section or its subsection proposed to be amended, followed
20 immediately by the question: "Do you agree with this proposed amendment
21 to the Constitution: YES NO

22 (3) The proposed constitutional amendment shall be printed in
23 English and shall also be translated into the major languages of the
24 individual States as appropriate.

25 (4) The Governors of the several States shall, as soon as

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C.B. No. 2-99

1 practicable after the election, certify and transmit the results of
2 the votes cast on the amendment to the President and the Congress of the
3 Federated States of Micronesia.

4 (5) The President of the Federated States of Micronesia
5 shall be the judge as to the approval or disapproval of an
6 amendment to the Constitution, subject to an override by the Congress by
7 not less than a three-fourths vote of all the State delegations, with each
8 State delegation casting one vote.

9 Section 4. Ratification of constitutional amendments.

10 (1) A proposed constitutional amendment is deemed to have
11 been ratified if approved by three-fourths of the votes cast on that
12 amendment in at least three-fourths of the States of the Federated States
13 of Micronesia.

14 (2) In the event conflicting constitutional amendments
15 submitted to the voters at the same election are approved, the amendment
16 receiving the highest number of affirmative votes shall prevail to the
17 extent of the conflict.

18 (3) Once ratified, a constitutional amendment is effective as
19 against all States of the Federated States of Micronesia.

20 Section 5. Notice of notification-effectiveness. Upon receipt of
21 the certified results of votes pursuant to section 3, subsection (4),
22 and having made the determination that a constitutional amendment has been
23 ratified in accordance with section 4, subsection (1) above, the
24 President shall, no later than 15 days thereafter, issue a proclamation
25 announcing the ratification of the amendment and that its effectiveness

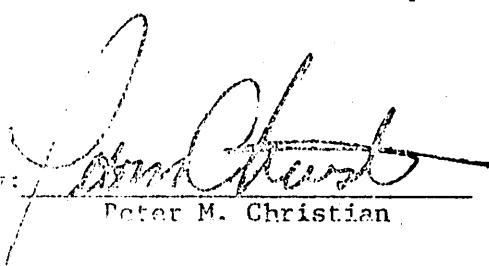
1 is retroactive to the date of the election.

2 Section 6. Implementing regulations. The President is hereby
3 authorized to designate an agency within the executive branch to
4 administer the provisions of this act with the power to issue
5 implementing rules and regulations which, upon approval by the
6 President, shall have the force and effect of law.

7 Section 7. Effective date. This act shall become law upon
8 approval by the President of the Federated States of Micronesia or upon
9 its becoming law without such approval.

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Date: 7/17/81

Introduced by: 

Peter M. Christian