

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
5 to the Constitution of the Federated States of Micronesia:

6 (a) Constitutional convention. Upon application of
7 the legislature of three-fourths of the States, the Congress of the
8 Federated States of Micronesia shall enact a law authorizing a consti-
9 tutional convention for the purpose of proposing a specific amendment
10 or amendments to the Constitution. At least every 10 years, the
11 Congress shall submit to the voters the question: "Shall there be
12 a convention to revise or amend the Constitution?" A referendum on
13 the 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 than
16 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
25 on the ballot in a general election for Members of the Congress of the

5490

1 Federated States of Micronesia unless it shall have been received by
2 the President no later than 45 consecutive days prior to the date of
3 said general election; PROVIDED, HOWEVER, that nothing in this sub-
4 section shall prevent a proposed constitutional amendment from being
5 placed on the ballot during a special election called by the President
6 for that purpose.

7 Section 3. Format of constitutional amendment. The format of
8 constitutional amendments shall be uniform, as 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
12 be printed on ballots to be voted on simultaneously by all voters of
13 the Federated States of Micronesia during a general election for the
14 Members of the Congress of the Federated States of Micronesia or dur-
15 ing 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 approve of this proposed amend-
21 ment to the Constitution: YES / / NO / / ?"

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

25 (4) The President shall appoint an election commissioner

J660

1 for each of the States with the advice and consent of Congress, who
2 shall, as soon as practicable after the election, certify and transmit
3 the results of the votes cast on the amendment to the President and
4 the Congress of the Federated States of Micronesia.

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

10 Section 4. Ratification of constitutional amendments.

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

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

19 (3) Once ratified, a constitutional amendment becomes part
20 of the Constitution and is as effective as all other parts of the
21 Constitution, against all States of the Federated States of Micronesia.

22 Section 5. Notice of notification-effectiveness. Upon receipt
23 of the certified results of votes pursuant to section 3, subsection
24 (4), and having made the determination that a constitutional amend-
25 ment has been ratified in accordance with section 4, subsection (1)

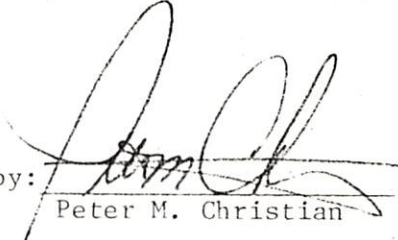
JH 60

1 above, the President shall, no later than 15 days thereafter, issue
2 a proclamation announcing the ratification of the amendment and that
3 its effectiveness is retroactive to the date of the election.

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

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

12
13 Date: May 14, 1982

Introduced by: 
Peter M. Christian

14
15
16
17
18
19
20
21
22
23
24
25