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A BILL FOR AN ACT

To propose an amendment to section 8 of article IX and to sections 4 and 5 of article X of the Constitution of the Federated States of Micronesia; to further amend title 3 of the Code of the Federated States of Micronesia, as amended, by further amending section 101, as amended by Public Laws Nos. 5-53, 5-98, and 7-89, and by amending section 107, as established by Public Law No. 5-98; and to further amend title 9 of said Code, as amended, by amending section 104, by further amending section 105, as amended by Public Law No. 8-97, by further amending section 202, as amended by Public Law No. 5-70 and renumbered by Public Law No. 5-103, and by further amending section 204, as amended and renumbered by Public Law No. 5-103; all for the purpose of improving the operations of Congress by providing for at-large and district senators, by providing that all members of Congress shall serve four-year terms, and by providing that the President shall be elected from among the at-large members of Congress and the Vice President shall be elected from among the district members of Congress; and for other purposes.

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

1 Section 1. Proposed amendment. It is hereby proposed that  
2 section 8 of article IX of the Constitution of the Federated States  
3 of Micronesia be amended to read as follows:

4 "Section 8. The Congress consists of one member elected  
5 at-large from each state on the basis of state equality,  
6 and additional members elected from congressional  
7 districts in each state apportioned by population.  
8 Beginning with the 1999 congressional elections, each  
9 [M]member[s] elected [on the basis of state equality]  
10 shall serve [~~for~~] a [4] four-year term[~~, and all other~~  
11 ~~members for 2 years~~]. Each member has one vote, except  
12 on the final reading of bills. Congressional elections  
13 are held [~~biennially~~] every four years, as provided by  
14 statute."

15 Section 2. Proposed amendment. It is hereby proposed that  
16 section 4 of article X of the Constitution of the Federated States  
17 of Micronesia be amended to read as follows:

18 "Section 4. A person is ineligible to become President  
19 unless he is an at-large member of Congress [~~for a 4-year~~  
20 ~~term~~], a citizen of the Federated States of Micronesia by  
21 birth, and a resident of the Federated States of  
22 Micronesia for at least [15] fifteen years."

1 Section 3. Proposed amendment. It is hereby proposed that  
2 section 5 of article X of the Constitution of the Federated States  
3 of Micronesia be amended to read as follows:

4 "Section 5. After the election of the President, the  
5 Vice-President is elected in the same manner as the  
6 President, has the same qualifications as the President,  
7 except that the Vice-President shall be elected from  
8 among the district members of Congress, and serves for  
9 the same term of office as the President. He may not be  
10 a resident of the same state as the President. After the  
11 election of the President and the Vice-President,  
12 vacancies in Congress shall be declared."

13 Section 4. Section 101 of title 3 of the Code of the Federated  
14 States of Micronesia, as amended by Public Laws Nos. 5-53, 5-98, and  
15 7-89, is hereby further amended to read as follows:

16 "Section 101. Membership.

17 (1) The Congress of the Federated States of Micronesia  
18 shall be a unicameral National legislature. Unless the  
19 Congress is reapportioned, it shall consist of fourteen  
20 Members, to be known as Senators, as follows:

21 (a) four at-large Members, one from each of the  
22 States of Kosrae, Pohnpei, Chuuk, and Yap, who are  
23 elected on the basis of State equality to serve [~~for~~] a  
24 four-year term.

25 (b) ten district Members, serving for a term of

1           ~~[two]~~ four years each and elected on the basis of  
2           population as follows:

3                           (i) one Member elected from Kosrae, ~~[as]~~  
4           which is a single-member congressional district;

5                           (ii) one Member elected from Yap, ~~[as]~~ which  
6           is a single-member congressional district;

7                           (iii) three Members elected from Pohnpei, ~~[one]~~  
8           each of whom ~~[representing each]~~ shall be elected from a  
9           single-member congressional district; and

10                          (iv) five Members elected from Chuuk, ~~[one]~~  
11           each of whom ~~[representing each]~~ shall be elected from a  
12           single-member congressional district.

13                          (2) Single-member congressional districts shall be  
14           reapportioned at least every ten years. The first such  
15           reapportionment shall be made in 1988."

16           Section 5. Section 107 of title 3 of the Code of the Federated  
17           States of Micronesia, as established by Public Law No. 5-98, is  
18           hereby amended to read as follows:

19                          "Section 107. Terms of office. Each Senator elected ~~[at~~  
20           ~~large]~~ shall hold office for a term of four years.

21           ~~[Senators elected on the basis of population shall each~~  
22           ~~hold office for a term of two years.]~~ The terms of  
23           office of all Members of the Congress of the Federated  
24           States of Micronesia shall commence at noon ~~[of]~~ on the  
25           eleventh day of May following their election and upon

1 taking the oath of office, except as otherwise provided  
2 by law. Any Member elected or appointed to fill a  
3 vacancy may assume office upon acceptance of his  
4 credentials by the Congress and taking of the oath of  
5 office, and shall serve only for the unexpired term of  
6 the person he succeeds."

7 Section 6. Section 104 of title 9 of the Code of the Federated  
8 States of Micronesia is hereby amended to read as follows:

9 "Section 104. General elections -- When held. [All  
10 ~~general~~] General elections for Members of the Congress of  
11 the Federated States of Micronesia shall be held  
12 [~~biennially in each odd numbered year~~] in 1999, and every  
13 four years thereafter, on the first Tuesday following the  
14 first Monday in March; provided[7] that, in the event of  
15 a natural disaster or other act of God, the effect of  
16 which precludes holding the election on the foregoing  
17 date, the President of the Federated States of Micronesia  
18 may proclaim a later election in the affected State or  
19 congressional district or districts."

20 Section 7. Section 105 of title 9 of the Code of the Federated  
21 States of Micronesia, as amended by Public Law No. 8-97, is hereby  
22 further amended to read as follows:

23 "Section 105. Vacancies - Special election.

24 (1) After the election of the President and Vice  
25 President, vacancies shall be declared by the Speaker of

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

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

22 Section 8. Section 202 of title 9 of the Code of the Federated  
23 States of Micronesia, as amended by Public Law No. 5-70 and  
24 renumbered by Public Law No. 5-103, is hereby further amended to  
25 read as follows:

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

25       Section 9. Section 204 of title 9 of the Code of the Federated

1 States of Micronesia, as amended and renumbered by Public Law No. 5-  
2 103, is hereby further amended to read as follows:

3           "Section 204. Convening, organization, elections of  
4           President and Vice President. A newly elected Congress  
5           shall convene on the date its Members commence their  
6           terms of office and be organized no later than the fourth  
7           day immediately following the convening day. The  
8           President and Vice President may be elected only after  
9           the Congress is fully organized. To be eligible for the  
10          office of [the] President [and Vice President], a Member  
11          must [~~hold office for a four-year term~~] be an at-large  
12          Member of the Congress of the Federated States of  
13          Micronesia and a citizen of the Federated States of  
14          Micronesia by birth, and shall also have been a resident  
15          of the Federated States of Micronesia for at least  
16          fifteen years [~~and a citizen of the Federated States of~~  
17          ~~Micronesia by birth~~]. To be eligible for the office of  
18          Vice President, the same qualifications shall apply,  
19          except that the Vice President shall be elected from  
20          among the district Members of Congress. For the purpose  
21          of this section, and as provided by article III, section  
22          2, of the Constitution of the Federated States of  
23          Micronesia, a citizen of the Federated States of  
24          Micronesia by birth is a person one or both of whose  
25          parents have been citizens of the Trust Territory of the

1 Pacific Islands immediately preceding the effective date  
2 of the Constitution of the Federated States of Micronesia  
3 and domiciliaries of one of the States or districts that  
4 ratified the Constitution of the Federated States of  
5 Micronesia."

6 Section 10. Procedure. Upon this act becoming law, the  
7 proposed constitutional amendments set out in sections 1, 2, and 3  
8 of this act will become part of the Constitution after completion of  
9 procedures and ratification as required by chapter 7 of title 1 of  
10 the Code of the Federated States of Micronesia. The constitutional  
11 amendments proposed herein shall be submitted to the people for  
12 approval as one amendment to the Constitution on the ballot for the  
13 July, 1999, special election.

14 Section 11. Effective Date. Sections 4 through 9 of this act  
15 shall become effective upon ratification of the constitutional  
16 amendments proposed in sections 1, 2, and 3 of this act.

17 Section 12. This act shall become law upon approval by the  
18 President of the Federated States of Micronesia or upon its becoming  
19 law without such approval.

20  
21 Date: 5/11/99

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Introduced by:   
Wagner M. Lawrence