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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 be  
4 known as "The Fourth Constitutional Convention of the Federated  
5 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 twelve (12) delegates elected  
13 from existing congressional districts from Chuuk State.

14                   (b) There shall be eight (8) delegates elected from  
15 existing congressional districts from Pohnpei State.

16                   (c) There shall be four (4) delegates elected from  
17 the congressional district from Yap State.

18                   (d) There shall be four (4) delegates elected from  
19 the congressional district from Kosrae State.

1           (i) Each state may provide that one of its seats is  
2 reserved for a traditional leader.

3           (ii) One seat from each state shall be reserved for  
4 a female delegate.

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 the person:

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 (Annotated) for registration as a voter in the  
13 representative state or in the case of district candidates, in  
14 the 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 (Annotated).

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

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1 2021.

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

6 (4) The Convention shall be the sole judge of the  
7 elections, returns, and qualifications of its members;  
8 PROVIDED, HOWEVER, that in case of a tie vote in the election,  
9 the winner shall be determined, if necessary, in a run-off  
10 election between the candidates so tied. Run-off elections  
11 shall occur no later than thirty days after the results of the  
12 general delegate election have been announced.

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

23 Section 5. Pre-Convention Committee.

24 (1) There shall be a Pre-Convention Committee which  
25 shall consist of two members from each state's convention

1 delegation who are selected by a majority vote of that state's  
2 convention delegation. Such selection shall be made no later  
3 than May 19, 2021, in writing by the state's delegation to the  
4 President of the Federated States of Micronesia.

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

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

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

15 (b) to make arrangements for staff;

16 (c) to prepare a budget for the Constitutional  
17 Convention to be submitted to Congress in the regular or  
18 special session of Congress next following;

19 (d) to confer with the various state delegations  
20 to identify those issues that each delegation wishes to raise  
21 at the Convention;

22 (e) to commission any research that it feels  
23 should be performed on issues identified by the state  
24 delegations prior to the convening of the Convention;

25 (f) to specify a date for convening the

1 Convention;

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

3 (h) to perform other functions not otherwise

4 reserved to the Convention which will assure a successful and  
5 orderly Convention.

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

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

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

16 Section 6. Procedures.

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

20 (a) call recesses; and

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

23 (2) The President of the Federated States of  
24 Micronesia, or their designee, shall act as President of the  
25 Convention until the Convention selects a President from among

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1 its membership.

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

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

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

12 Section 7. Powers of Convention.

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

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1 general terms the matter or questions with reference to which  
2 such testimony or other evidence is to be taken. Any officer  
3 to whom the process described in this subsection is directed,  
4 if within their jurisdiction, shall forthwith serve or execute  
5 the same, without charge or compensation; PROVIDED, HOWEVER,  
6 that any officer serving or executing such subpoena or process  
7 shall be compensated for their actual expenses, if any, in  
8 connection therewith.

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

24           (3) The officers and employees of the Federated States  
25 of Micronesia shall cooperate with the Convention, furnishing

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1 such information as may be called for in connection with  
2 research activities of the Convention.

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

10 Section 8. Duties of the Convention.

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

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

24 (3) When said amendments have been proposed by the  
25 Convention, the Convention shall notify the President of the

1 Federated States of Micronesia, who shall transmit a copy of  
2 the amendments to the Congress of the Federated States of  
3 Micronesia, and shall call a referendum as provided by title 1,  
4 chapter 7 of the Code of the Federated States of Micronesia  
5 (Anotated), as amended.

6 Section 9. Expenses of delegates and staff.

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

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

17 Section 10. This act shall become law upon approval by  
18 the President of the Federated States of Micronesia or upon its  
19 becoming law without such approval.

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21 Date: 5/14/19

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

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