The President
Palikir, Pohnpei
Federated States of Micronesia

August 7, 2019

The Honorable Wesley W. Simina
Speaker
Twenty-First Congress
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

I am pleased to transmit the following act, which I have signed into Public Law No. 21-19:

Congressional Act No. 21-35, entitled: “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.”

I wish to express by personal appreciation for the initiative by Congress for passing this act to organize the next Constitutional Convention. Thank you.

Sincerely,

David W. Panuelo
President

xc: Chief Justice, FSM Supreme Court
July 30, 2019

His Excellency David W. Panuelo  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear President Panuelo:

I have the honor to transmit herewith Congressional Act No. 21-35, "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.", which was passed by the Twenty-First Congress of the Federated States of Micronesia, Second Special Session, 2019, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

[Signature]

Liwiana Ramon Ioanis  
Chief Clerk, Congress of the Federated States of Micronesia

Enclosures
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.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: MAY 14, 2019

REFERRED TO: COMMITTEE ON JUDICIARY AND GOVERNMENTAL OPERATIONS
WITHDRAWN – JULY 26, 2019

FIRST READING: – MAY 14, 2019
SECOND READING: – JULY 26, 2019

Liwiana Ramon Ioanes
Chief Clerk, FSM Congress
ACT NO. 21-35

(CONGRESSIONAL BILL NO. 21-03, C.D.1)

We hereby certify that on July 26 the foregoing act passed Second and Final Reading of the Twenty-First Congress of the Federated States of Micronesia, Second Special Session, 2019, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

Wesley W. Simina
Speaker
Congress of the Federated States of Micronesia

Liwiana Ramon Ioanis
Chief Clerk
Congress of the Federated States of Micronesia
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:

Section 1. Constitutional Convention. There is hereby created a Constitutional Convention (the "Convention") in and for the Federated States of Micronesia. The Convention shall be known as "The Fourth Constitutional Convention of the Federated States of Micronesia".

Section 2. Delegates. The Convention shall consist of four delegations composed of one delegation from each of the four states of the Federated States of Micronesia. Each delegation shall consist of one at-large seat and two seats per election district.

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

(a) There shall be eleven (11) delegates elected from existing congressional districts from Chuuk State.

(b) There shall be seven (7) delegates elected from existing congressional districts from Pohnpei State.

(c) There shall be three (3) delegates elected from the congressional district from Yap State.
(d) There shall be three (3) delegates elected from
the congressional district from Kosrae State.

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

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

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

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

(3) All delegates shall be voting members.

Section 3. Elections.

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

(2) The election of delegates shall be held during a
special election on the first Tuesday after the first Monday in
November, 2019.

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

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

Section 4. Vacancies. Vacancies in any state's
convention delegation shall be filled by the relevant candidate
receiving the next highest number of votes in the state's
delegate election. In the event of a tie between two or more
candidates for the next highest number of votes, the vacancy
shall be filled by appointment by the Governor from among the
tied candidates. Any vacancy of a delegate who was unopposed
in the delegate election shall be filled by appointment by the
Governor.

Section 5. Pre-Convention Committee.

(1) There shall be a Pre-Convention Committee which
shall consist of two members from each state's convention
delegation who are selected by a majority vote of that state's
convention delegation. Such selection shall be made no later
than November 19, 2019, in writing by the state's delegation to
the President of the Federated States of Micronesia.

(2) The Pre-Convention Committee shall be convened on
the first Tuesday after the first Monday in December, 2019, at
the call of the Speaker of the Congress of the Federated States
of Micronesia, and shall choose its own officers and organize
according to its own rules and procedures.

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

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

(b) to make arrangements for staff;

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

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

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

(f) to prepare proposed rules and procedures; and

(g) to perform other functions not otherwise
reserved to the Convention which will assure a successful and orderly Convention.

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

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

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

Section 6. Procedures.

(1) The Constitutional Convention shall be convened on the first Tuesday after the first Monday in January, 2020, and the Constitutional Convention shall continue in session for no longer than thirty calendar days; PROVIDED, HOWEVER, that the Convention may:

(a) call recesses; and

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

(2) The President of the Federated States of Micronesia, or their designee, shall act as President of the Convention until the Convention selects a President from among its membership.
(3) The Convention shall select, from among its membership, a President and such additional officers as it may deem necessary and appropriate.

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

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

Section 7. Powers of Convention.

(1) Subpoena Powers. The President of the Constitutional Convention, or the Chairman of any duly established committee thereof, shall have the power and authority to issue subpoenas requiring the attendance of witnesses or the production of books, documents or other evidence, in any matter related to the purpose of the Constitutional Convention. Any subpoena or other process issued under the authority of the Convention shall be issued in the name of the Federated States of Micronesia and shall be addressed to any police officer of the Federated States of Micronesia or of any state. Such subpoena or other process shall be signed by the President of the Convention, shall contain a reference to this section, and shall set forth in general terms the matter or questions with reference to which
such testimony or other evidence is to be taken. Any officer
to whom the process described in this subsection is directed,
if within their jurisdiction, shall forthwith serve or execute
the same, without charge or compensation; PROVIDED, HOWEVER,
that any officer serving or executing such subpoena or process
shall be compensated for their actual expenses, if any, in
connection therewith.

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

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

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

Section 8. Duties of the Convention.

(1) The Convention shall propose amendments to the Constitution to be placed on a ballot for a referendum to be held in March 2021, or during a special election called for that purpose on an earlier date; PROVIDED, HOWEVER, that in the event that an amendment would effect the general election, the amendment or amendments shall be voted on in a special referendum called by the President of the Federated States of Micronesia for December of 2020.

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

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

Section 9. Expenses of delegates and staff.

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

(2) Any delegate who is an official or employee of the National Government of the Federated States of Micronesia shall be placed on administrative leave with pay and shall be entitled to receive their regular salary during their service as delegate.
Section 10. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

August 8, 2019

David W. Panuelo
President
Federated States of Micronesia