



CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA

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COMMITTEE ON CREDENTIALS REPORT

RE: CREDENTIALS OF CANDIDATES ELECTED  
TO THE 23<sup>rd</sup> FSM CONGRESS

SUBJECT: CREDENTIALS OF ELECTED CANDIDATE  
FROM THE SPECIAL ELECTION HELD ON  
JULY 4, 2023

April 2, 2024

The Honorable Esmond B. Moses  
Speaker  
Twenty-Third Congress of the Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear Speaker:

Your Committee on Credentials to which was referred the review of credentials for one member-elect to the Twenty-Third Congress from the July 2023 Special Election, begs leave to report as follows:

On July 10, 2023, the National Election Director transmitted to Congress a premature certification of the

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partial results of the July 4, 2023 Special Election. On September 12, 2023, the National Election Director certified the official results of the July 4, 2023 Special Election, certifying the winning candidate for the Kosrae at-large seat as:

- 1) Yoslyn G. Sigrah, Kosrae State  
(4-year term seat).

On September 28, 2023, Congress adopted the Credentials Committee Report finding Yoslyn G. Sigrah not qualified to be seated in exercise of its exclusive constitutional power to be the sole judge of the elections and qualifications of its members under Article IX, Section 17. Subsequently, Speaker declared the Kosrae at-large seat vacant and the Office of National Election Director proceeded with scheduling a special election for the vacancy.

On October 2, 2023, Yoslyn G. Sigrah filed a lawsuit against Congress and the National Election Director in the FSM Supreme Court for Declaratory Relief and Injunctive Relief alleging that Congress exceeded its powers under the Constitution when it considered factors outside of the eligibility requirements under Article IX, Section 9 of the

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FSM Constitution and seeking the Court to cancel the special election. *Sigrah v. Moses, Civ. Act. No. 2023-018.*

On November 2, 2023, the FSM Supreme Court Trial Division issued an order granting declaratory relief finding: 1) the FSM Constitution commits solely to Congress's consideration only qualifications that are enumerated in the FSM Constitution or otherwise prescribed by statute; and 2) Speakers declaration of vacancy void. On November 17, 2023, the FSM Supreme Court Trial Division granted preliminary injunction against the Office of the National Election Director to stop the November 21, 2023 election.

On November 9, 2023, Congress filed an appeal of the trial division declaratory judgment with the FSM Supreme Court Appellate Division. *Moses v. Sigrah, App. Case No. P6-2023 & P8-2023.* On March 15, 2024, the FSM Supreme Court Appellate Division affirmed the Trial Division declaratory judgment and order granting injunctive relief.

Your Committee on Credentials reviews the eligibility of Yoslyn G. Sigrah to be a member of Congress following the final judgment by the FSM Supreme Court Appellate Division in *Moses v. Sigrah.*

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Article IX, Section 9 of the FSM Constitution mandates that a person is eligible to run for election to be a member of Congress if the person is:

- at least 30 years old on the day of the election;
- an FSM citizen by birth;
- a domiciliary of the state from which elected; and
- residing in the FSM for at least 5 years prior to election.

A person is eligible to be a member of Congress under 9 FSMC §103 if:

- 1) 30 years or older by Election Day;
- 2) A resident from the state which seeking election for at least 5 years prior to Election Day;
- 3) FSM Citizen;
- 4) Not under a current judgment of mental incompetency or insanity; and

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5) Not convicted of a felony by a FSM national court, FSM state court, or Trust Territory Government Court.

Your Committee reaffirms Congress exclusive authority as the sole judge of the elections and qualifications of its members. Article 9, Section 17 of the FSM Constitution dictates that "Congress shall be the sole judge of the elections and qualifications of its members, may discipline a member, and, by 2/3 vote, may suspend or expel a member."

Congress requested criminal background checks on the Yoslyn G. Sigrah from the FSM Department of Justice - National Police, FSM Supreme Court, and each state police chief, attorney general, and state court.

In a letter dated July 17, 2023, the FSM Supreme Court certified to Congress that Yoslyn G. Sigrah did not have any felony convictions and no pardon records. In a letter dated July 28, 2023, the FSM Department of Justice - National Police certified to Congress that Yoslyn G. Sigrah did not have any felony convictions.

All State Police Chiefs certified to Congress that Yoslyn G. Sigrah did not have any felony convictions. All State

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Courts certified that Yoslyn G. Sigrah did not have any felony convictions.

In a letter dated November 14, 2022, the FSM Department of Health and Social Affairs reported to the Election Director that the Department did not have any record of Yoslyn G. Sigrah in their mental health data records.

The Committee requested voter registration records and candidate documentation submitted to the Office of National Election Director to demonstrate FSM Citizenship by birth, permanent residence in state where elected, and physically residing in the FSM for the last 5 years.

**CONCLUSION**

In the interest of upholding the final judgment from the FSM Supreme Court Appellate Division in *Moses v. Sigrah*, App. Case No. P6-2023 & P8-2023, your Committee on Credentials recommends that Yoslyn G. Sigrah be permitted to take the Oath of Office, and be seated as member and senator of the Twenty-Third Congress of the Federated States of Micronesia.

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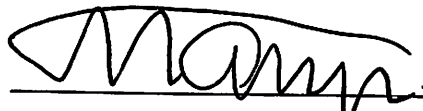
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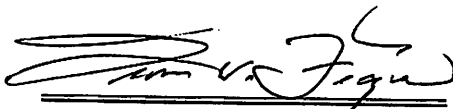
Respectfully submitted,



Fabian Nimea, Chairman



Merlynn Abello-Alfonso member



Isaac V. Figir, member



Robson U. Romolow, member