

AN ACT

To provide for the selection of delegates and procedures for the Constitutional Convention approved in the referendum of July, 1999, and for other purposes.

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

1           Section 1. Constitutional Convention. There is hereby created a  
2 Constitutional Convention in and for the Federated States of  
3 Micronesia. The Convention shall be known as "The Third Constitutional  
4 Convention of the Federated States of Micronesia".

5           Section 2. Delegates. The Convention shall consist of four  
6 delegations composed of one delegation from each of the four states of  
7 the Federated States of Micronesia.

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

11           (a) There shall be five (5) delegates elected from existing  
12 congressional districts and one (1) delegate elected at-large from  
13 Chuuk State.

14           (b) There shall be three (3) delegates elected from  
15 existing congressional districts and one (1) delegate elected at-large  
16 from Pohnpei State.

17           (c) There shall be one (1) delegate elected from the  
18 congressional district and one (1) delegate elected at-large from Yap  
19 State.

20           (d) There shall be one (1) delegate elected from the  
21 congressional district and one (1) delegate elected at-large from  
22 Kosrae State.

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

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

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

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

13           (3) All delegates shall be voting members.

14           Section 3. Elections.

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

18           (2) The election of delegates shall be held simultaneously with  
19 the regular congressional election in March 2001.

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

25           (4) The Convention shall be the sole judge of the elections,  
26 returns, and qualifications of its members; PROVIDED, however, that in

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1 case of a tie vote in the election, the winner shall be determined, if  
2 necessary, in a run-off election between the candidates so tied. Run-  
3 off elections shall occur no later than thirty days after the results  
4 of the general delegate election have been announced.

5 (5) In any State with only a single election district, all  
6 candidates shall run at-large.

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

16 Section 5. Pre-Convention Committee.

17 (1) There shall be a Pre-Convention Committee which shall  
18 consist of two members from each state's convention delegation who are  
19 selected by a majority vote of that state's convention delegation.  
20 Such selection shall be made no later than May 19, 2001, in writing by  
21 the state's delegation to the President of the Federated States of  
22 Micronesia.

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

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

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

7           (b) to make arrangements for staff;

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

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

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

17           (f) to specify a date for convening the Convention;

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

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

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

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

1 States of Micronesia.

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

4 Section 6. Procedures.

5 (1) Once convened, the Constitutional Convention shall continue  
6 in session for no longer than thirty calendar days, PROVIDED, however,  
7 that the Convention may:

8 (a) call recesses; and

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

11 (2) The President of the Federated States of Micronesia, or his  
12 designee, shall act as President of the Convention until the Convention  
13 selects a President from among its membership.

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

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

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

24 Section 7. Powers of Convention.

25 (1) *Subpoena Powers.* The President of the Constitutional  
26 Convention, or the Chairman of any duly established committee thereof,

1 shall have the power and authority to issue subpoenas requiring the  
2 attendance of witnesses or the production of books, documents or other  
3 evidence, in any matter related to the purpose of the Constitutional  
4 Convention. Any subpoena or other process issued under the authority  
5 of the Convention shall be issued in the name of the Federated States  
6 of Micronesia and shall be addressed to any police officer of the  
7 Federated States of Micronesia or of any state. Such subpoena or other  
8 process shall be signed by the President of the Convention, shall  
9 contain a reference to this section, and shall set forth in general  
10 terms the matter or questions with reference to which such testimony or  
11 other evidence is to be taken. Any officer to whom the process  
12 described in this subsection is directed, if within his jurisdiction,  
13 shall forthwith serve or execute the same, without charge or  
14 compensation; PROVIDED, however, that any officer serving or executing  
15 such subpoena or process shall be compensated for his actual expenses,  
16 if any, in connection therewith.

17       (2) *Oaths and Affirmations.* The President of the Convention or  
18 the Chairman of any duly established committee thereof may  
19 administer oaths to witnesses in any matter under the examination of  
20 the Convention. Every person who, summoned as a witness by the  
21 Convention to give testimony or to produce papers upon any matter under  
22 inquiry before the Convention, refuses to make oath or  
23 affirmation, or to answer any question or inquiry, shall be guilty  
24 of contempt of the Constitutional Convention and, upon conviction  
25 thereof, shall be fined not more than \$1,000 or imprisoned for not more  
26 than one year, or both. Whenever a person violates any of the

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1 provisions of this subsection, the President of the Convention shall  
2 certify a statement of such facts to the Secretary of the Department of  
3 Justice who shall prosecute the offender in the Supreme Court of the  
4 Federated States of Micronesia.

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

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

15 Section 8. Duties of the Convention.

16 (1) The Convention shall propose amendments to the Constitution  
17 to be placed on a ballot for a referendum to be held in March 2003, or  
18 during a special election called for that purpose or an earlier date;  
19 PROVIDED, however, that in the event that an amendment would effect the  
20 general election, the amendment or amendments shall be voted on in a  
21 special referendum called by the President of the Federated States of  
22 Micronesia for December of 2002.

23 (2) Proposed amendments to the Constitution shall be in the  
24 format set forth in the Constitutional Amendment Procedure Act, title  
25 1, section 703 of the Code of the Federated States of Micronesia, as  
26 amended, and any regulations issued pursuant thereto.





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Leo A. Falcam  
President  
Federated States of Micronesia