AN ACT

Establishing a Constitutional Convention for the State of Chuuk, prescribing its powers, duties and functions, authorizing and appropriating funding therefor, and for other purposes

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

Section 1. Constitutional Convention. A Constitutional Convention is hereby established in accordance with the popular vote of the people of Chuuk as expressed in the March 4, 2003 election on said question for the purpose of proposing amendments to the Chuuk State Constitution. The Convention shall be known as the “Second Chuuk State Constitutional Convention.”

Section 2. Sessions of Convention. The Convention shall be convened on a date as may be determined by the Pre-Convention Committee, but within such time so as to permit the convention to be adjourn sine die prior to March 3, 2004, and shall continue to be in session for no longer than thirty meeting days. The Convention shall meet Monday through Friday except on legal holidays. PROVIDED that Convention sessions may be held on weekends or holidays, or the Convention may recess for a period not to exceed in aggregate thirty calendar days, excluding weekend and legal holidays, by a majority vote of all the delegates of the Convention delegates. By a majority vote of the Convention, the session may be extended once for up to not more than 15 convention days.

Section 3. Delegates. The Convention shall consist of fourteen (14) delegates to be selected as follows:

(1) Each of the five (5) Senatorial Regions, as provided in the State Constitution, shall elect at a special election on the fourth Tuesday of November, 2003, their delegates as follows:

a) Faichuk Region 3 delegates.
b) Northern Namoneas Region 3 delegates.
c) Southern Namoneas Region 3 delegates.
d) Mortlocks Region 3 delegates, and
e) Northwest Region 2 delegates

Eligible voters of the Senatorial Region shall elect the number of delegates, as provided in this section. Those who received the highest number of votes shall be elected as delegates, in accordance with the number of delegates as set forth in this section.

Section 4 Qualifications. No person is eligible to be elected as a delegate under this Act unless he is a citizen of the Federated States of Micronesia, is a legal resident of Chuuk State, is a qualified voter from the Senatorial Region he seeks his election as a delegate, is at least 30 years on the day of election, has not been convicted of a felony in a court.

Section 5 Other Election Matters. Delegates to be elected under this Act may be elected as follows:

1. All citizens of the Federated States of Micronesia who are qualified to vote in state elections are qualified to vote for delegates to the Convention. Registration to vote in state elections shall also be registration to vote for delegates to the Convention.

2. The name of any candidate for election as a delegate shall be printed on an official ballot to be used at the election for choosing candidates only if prior to 4:30 p.m. on the 20th day before election day, a nomination paper shall have been filed in the office of the Election Commission on his behalf which states his intention to represent a particular Senatorial Region together with the signature of not less than 50 qualified voters of that particular Senatorial Region. There shall be deposited with each nomination paper a non-refundable fee of fifty dollars ($50.00). The Election Commission shall pay over all such nomination fees to the Department of Treasury.

3. The names of candidates for each Senatorial Region shall be on separate ballots which shall be substantially in the same form as those used for general election of public officers.
(4) The Election Commissioner, or its designee, shall upon receipt of the nomination paper indorse thereon the day, hour and minute that such nomination paper is received.

(5) In case of a tie vote in the election for a delegate, the candidates who received the same number of votes shall have a runoff election.

(6) Each person voting for delegates shall be permitted to vote for the number of delegates to which the Senatorial Region in which he votes is entitled, and the candidates receiving the highest number of votes cast from each Senatorial Region shall be delegates to the Convention from that Senatorial Region. The candidates not elected shall be designated as alternates in the order in which their vote totals appear, for the purpose of filling a vacancy if one occurs after the election or during the Convention.

(7) Except as otherwise specifically provided in this Act, the election of delegates to the Convention shall be conducted, the returns made, the results ascertained, and the certifications of persons elected to be delegates to the Convention pursuant to the State Election Code, Chuuk State Law No. 3-95-26, where applicable.

(8) The Convention shall be the sole judge of the election returns and qualifications of delegates, unless the court of competent jurisdiction, declared otherwise.

Section 6 Vacancies

(1) As used in this Section, the term "vacancy" includes a vacancy caused by:
(a) death,
(b) resignation or refusal to serve or abandonment of seat; and
(c) incapacity to serve as a delegate by reason of illness, upon a finding of the same by the Convention.
(2) A vacancy for any delegate elected shall be filled by the candidate receiving the next highest number of votes in the election from that Senatorial Region affected and in the event there is no runner-up, the Governor shall appoint a legal resident of the Senatorial Region affected who meets the qualifications of a delegate to fill the vacancy.

Section 7 Pre-Convention Committee

(1) There shall be a Pre-Convention Committee which shall consist of five (5) delegate as selected by the delegation of each Senatorial Region. The committee may continue in effect up to ten days prior to the convening day of the Convention. At its meetings the delegates shall

(a) organize into a committee and shall elect a chairman, a vice-chairman and a secretary,
(b) draft proposed rules of procedure for adoption by the Convention, and proposed a budget of the Convention,
(c) facilitate the work of the Convention by ensuring that accommodations and facilities for the Convention are prepared and in proper order, and
(d) Take such reasonable and appropriate actions to accomplish the above duties and the purpose of the Convention
(e) For administrative purpose, the Pre-Convention may obligate up to $15,000.00 of Convention funding for its works and the chairman thereof may continue to do administrative works in preparation for, and may obligate such funds up to convening day of the Convention. All such administrative powers and functions cease upon election of the President of the Convention.

Section 8 Procedure

(1) The Convention shall convene on Weno Island at a location selected by the Pre-Convention Committee
(2) The Chairman of the Pre-Convention Committee, or in his absence the Vice-Chairman, shall act as President of the Convention until the Convention shall select a President from among its membership.

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

(4) The Convention shall establish such committees as it may deem necessary and appropriate to carry out its duties.

(5) The Convention shall adopt its own rules of procedure not inconsistent with this Act. PROVIDED, however, that no proposed constitutional amendment may be finally adopted by the convention except by the affirmative votes of at least 2/3 of all delegates of the Convention and that no voting except in person shall be permitted, and that abstentions shall not be counted as votes in determining the result of any vote by the Convention to finally adopt a proposed constitutional amendment.

(6) A quorum shall consist of at least a majority of all delegates, unless the Convention, by its rules of procedure, may provide for a greater number.

Section 9 Investigative Powers. The Convention and its committees and subcommittees shall be investigating committees for all purposes and shall have all of the powers and authorities with all the appropriate penalties which may be given to investigating committees as set forth in Enit State Law No. 27-37, or as provided in the Rules of Procedures of the Convention.

Section 10 Duties. The Convention shall propose amendments to the Chuuk State Constitution. Proposed constitutional amendments shall provide for an effective date, and shall require approval in a popular referendum as provided in the Constitution and in this Act. The Convention shall transmit a certified copy of each of the adopted proposed constitutional amendments and the Convention Journal to the Governor and the Presiding Officers of the Legislature. Upon receipt of the proposed constitutional
amendments, the Governor shall call a referendum on the Constitution subject to the
provisions of Section 15 of this act. Prior to his calling the referendum on the proposed
constitutional amendments, the Governor may cause the proposed constitutional
amendments to be translated into the Chuukese language, if no official translations were
provided by the Convention.

Section 11 Support

(1) The officers and employees of the State Government, its offices and
agencies, shall cooperate with the Convention by furnishing such
information as may be called for in connection with research activities
of the Convention.

(2) The State Government, its offices and agencies, shall provide such
administrative, technical and staff assistance to the Convention and
Pre-Convention Committee as may be requested.

Section 12 Administrative Leave

Officials and employees of the State Government and agencies, who are delegates to the Convention shall be
granted administrative leave with pay to attend the Convention and to participate in any
Pre-Convention activities as determined by the Pre-Convention Committee.

Section 13 Salaries and Expenses of Delegates

(1) Delegates to the Convention who are not employed by the State or
National Governments shall receive a salary or stipend as determined
by the Pre-Convention Committee, and made available to the
Convention.

(2) All Delegates shall be entitled to reasonable and necessary expenses
as determined by the Pre-Convention Committee and made available
to the Convention.

Section 14 Public Education

The Governor shall be responsible for conducting
education programs on the Convention and the proposed constitutional amendments from
the time the Convention convenes until the date of the referendum on the proposed
constitutional amendments adopted by the Convention.
Section 15  Referendum.

(1) The Governor by proclamation shall set a date for the referendum for
the ratification of the proposed constitutional amendments adopted by
the Convention, which shall be held no later than the ninety (90) days
following the adjournment sine die of the Convention, unless another
date is otherwise provide for by the Constitution.

(2) Except as otherwise provided in this Section, the provisions of the
Chuuk State Election Act of 1995 shall apply to the referendum, as
applicable.

(3) The referendum ballot for the proposed constitutional amendments
shall state each of the proposed constitutional amendment separately,
with its number and which shall be voted upon separately.

(4) The results of the referendum shall be certified by the Election
Commission who shall transmit such certification to the Governor and
the Legislature.

(5) The certified results of the referendum constitute either the passage or
rejection of the respective proposed constitutional amendments, on the
date of referendum unless a specific, effective date is set forth in the
constitutional amendment. Any contest as to the passage or rejection
of a proposed constitutional amendment shall be made in accordance
with the procedures of contest set forth in the Chuuk State Election
law, where applicable.

Section 16  Authorization.

(1) The sum of $150,000, or so much thereof as may be necessary, is
appropriated from the General Fund of Chuuk State for the purpose of
carrying out the provisions of this Act, as follows.

(a) Election of Delegates, $50,000;
(b) Expenses of the Convention, $50,000, and
(c) Education and Referendum, $50,000

(2) The sum authorized by Section 10 (1)(a) of this Act is hereby appropriated and shall be allotted to the Governor who shall be responsible for ensuring that these funds are used only for the purpose specified in Section 10 (1) (a) and that no obligations are incurred in excess of the sum appropriated. Any part of this appropriation not obligated as of September 30, 2003, shall remain available for the purpose of funding activities of the Convention as stated in Section 10 (1)(b) hereof.

(3) The Governor shall submit a report to the Legislature not later than 90 days after close of the fiscal year ending September 30, 2003, which shall provide for the full disclosure of the obligations incurred against such sum and the balance of such sum appropriated by Section 10 (1) (a) and (c) of this Act, as necessary.

(4) The sum authorized by Section 10 (1)(b) of this Act is hereby appropriated and shall be allotted to the President of the Convention and the Pre-Convention Chairman during the Pre-Convention for the sum set forth in section 7(1)(b), who shall be responsible for ensuring that these funds are used only for the purpose specified in Section 15 (6) (1) (b) and that no obligations are incurred in excess of the sum appropriated. Any part of this appropriation not obligated as of September 30, 2004, shall revert to the General Fund of Chuuk State.

(5) The President of the Convention shall submit a report to the Legislature not later than October 30, 2004, or within 30 days of the adjournment of the Convention, whichever is earlier in time, which shall provide for a full disclosure of the obligations incurred against the sum appropriated by Section 10 (1)(b) of this Act.
Chuuk State Law No. 7-03-06

ACT NO 7-08

1. Section 17 Effective Date
   This act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

   Signed by
   Detor Santos, President
   Senate
   Chuuk State Legislature

   Date Oct 21, 2003

   Signed by
   Jacki Suko, Speaker
   House of Representatives
   Chuuk State Legislature

   Date 10-21-03

   Attested
   Songenita Beby, Chief Clerk
   Senate
   Chuuk State Legislature

   Approved by
   Ansito Walter, Governor
   Chuuk State Government

   Date Oct 23, 2003

   Attested
   Herer Sogo, Chief Clerk
   House of Representatives
   Chuuk State Legislature

History S B No. 7-8, SD1, HD 1, CD1
S S C R No
H S C R No
J C C R No 7-1R-1S-01