

The Honorable Lyndon P. Abraham
President
Third Kosrae State Constitutional Convention
Kosrae State, FM 96944

Dear Mr. President:

Your Committee on Civil Liberties and Traditions, to which was referred Delegate Proposal No. 03-05-33, entitled:

“A PROPOSAL TO AMEND ARTICLE IV, SECTION 6(3) TO REQUIRE THERE BE A DEFINITION OF "RESIDENT" TO SATISFY THE TIME REQUIREMENT TO BE A CANDIDATE FOR OFFICE.”

begs leave to report as follows:

Findings

The subject proposal intends to require the term "resident" to be defined by law, to determine qualifications to serve as a Senator. The Committee discussion of the proposal recognizes that the term "resident" is not defined in the Constitution nor by State Law. The Constitutional provisions establishing qualifications for Senators, Governor and Lieutenant Governor all contain a residency requirement. The Committee expresses its disappointment that in the past, the Constitutional "resident" requirement has not been enforced consistently for potential candidates in State elections.

The Committee recognizes that there are many FSM citizens who live outside of the State. The number of FSM citizens who are born and live continuously outside the State, and who migrate out from the State has increased substantially over the last twenty years. These citizens are all potential candidates for the elected positions of Senator, Governor and Lieutenant Governor. The Committee further recognizes that conflicting legal opinions on the "resident" requirement have been given in the past, and therefore a statutory definition of "resident" is required to clarify the Constitutional qualifications for the elected positions of Senators, and also for the elected position of Governor and Lieutenant Governor.

Recommendations

Based on the foregoing, the Committee recommends passage of the subject proposal with two amendments. The proposal currently requires definition of the term "resident" for Senators only. The Committee recommends amendments to specify that the term

"resident" also be defined by law to determine qualifications for the offices of the Governor and Lieutenant Governor.

Accordingly, the Committee recommends passage of the subject proposal with the following two amendments:

1. Amend the Title to read as follows:

"To require a statutory definition of the term "resident" to establish qualifications to serve as a Senator, Governor or Lieutenant Governor."

2. Insert a new section to read as follows:

"That Section 4 of Article 5 be amended as follows:

Section 4. No person is eligible for the office of the Governor unless he has been a resident of the State for at least ten years immediately preceding filing for office, is at least thirty-five years of age, a citizen of the Federated States of Micronesia, a Kosraean by birth, and a qualified voter of the State, and has not been convicted of a felony unless he has received a pardon restoring his civil rights at least five years prior to the election date. The term "resident" shall be defined by law."

Respectfully submitted,

Chairman, Yosiwo P. George

Vice Chairman, Arthy G. Nena

Hairom E. Livaie, Member

James R. Palsis, Member

Simpson K. Abraham, Member