

---

AN ACT

Setting forth the procedure for amending the Constitution of the Federated States of Micronesia, and for other purposes.

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

1       Section 1, Short title. This act shall be known and may be cited  
2 as the "Constitutional Amendment Procedure Act."

3       Section 2, Methods of proposing constitutional amendments.

4             (1) There shall be three methods of proposing amendments  
5 to the Constitution of the Federated States of Micronesia:

6             (a) Constitutional convention. Upon application of the  
7 legislature of three-fourths of the States, the Congress of the Federated  
8 States of Micronesia shall enact a law authorizing a constitutional  
9 convention for the purpose of proposing a specific amendment or amendments  
10 to the Constitution. At least every 10 years, the Congress shall submit  
11 to the voters the question: "Shall there be a convention to revise or  
12 amend the Constitution?" A referendum on the question shall be held no  
13 later than May 10, 1989; or

14            (b) Initiative petition. A constitutional amendment may  
15 be proposed by a popular initiative petition signed by no less than 10  
16 percent of the registered voters in not less than three-fourths of the  
17 States. An initiative petition with the requisite number of signatures  
18 shall be transmitted by the Governor of each respective State without  
19 delay to the President of the Federated States of Micronesia; or

20            (c) Congressional act. A constitutional amendment may  
21 also be proposed by an act of Congress pursuant to the provisions of  
22 sections 20 through 22, article IX, of the Constitution.

1           (2) No proposed constitutional amendment will be placed  
2 on the ballot in a general election for Members of the Congress of the  
3 Federated States of Micronesia unless it shall have been received by  
4 the President no later than 45 consecutive days prior to the date of  
5 said general election; PROVIDED, HOWEVER, that nothing in this sub-  
6 section shall prevent a proposed constitutional amendment from being  
7 placed on the ballot during a special election called by the President  
8 for that purpose.

9           Section 3. Format of constitutional amendment. The format of  
10 constitutional amendments shall be uniform, as prescribed by the President,  
11 according to the following basic guidelines:

12           (1) Proposed constitutional amendments which have been received  
13 by the President, pursuant to section 2 of this act, shall be printed on  
14 ballots to be voted on simultaneously by all voters of the Federated  
15 States of Micronesia during a general election for the Members of the  
16 Congress of the Federated States of Micronesia or during a special  
17 election called by the President specifically for that purpose.

18           (2) The proposed constitutional amendment shall cite the  
19 appropriate article of the Constitution by title and shall state at length  
20 the section or its subsection proposed to be amended, followed immediately  
21 by the question: "Do you approve of this proposed amendment to the  
22 Constitution: YES  NO  ?"

23           (3) The proposed constitutional amendment shall be printed in  
24 English and shall also be translated into the major languages of the  
25 individual States as appropriate.



1           (4) The President shall appoint an election commissioner  
2 for each of the States with the advice and consent of Congress, who  
3 shall, as soon as practicable after the election, certify and transmit  
4 the results of the votes cast on the amendment to the President and the  
5 Congress of the Federated States of Micronesia.

6           (5) The President of the Federated States of Micronesia shall  
7 be the judge as to the approval or disapproval of an amendment to the  
8 Constitution, subject to an override by the Congress by not less than  
9 a three-fourths vote of all the State delegations, with each State dele-  
10 gation casting one vote.

11           Section 4. Ratification of constitutional amendments.

12           (1) A proposed constitutional amendment is deemed to have been  
13 ratified if approved by three-fourths of the votes cast on that amend-  
14 ment in at least three-fourths of the States of the Federated States of  
15 Micronesia.

16           (2) In the event conflicting constitutional amendments submitted  
17 to the voters at the same election are approved, the amendment receiving  
18 the highest number of affirmative votes shall prevail to the extent of the  
19 conflict.

20           (3) Once ratified, a constitutional amendment becomes part of  
21 the Constitution and is as effective as all other parts of the Consti-  
22 tution, against all States of the Federated States of Micronesia.

23           Section 5. Notice of notification-effectiveness. Upon receipt of  
24 the certified results of votes pursuant to section 3, subsection (4), and  
25 having made the determination that a constitutional amendment has been

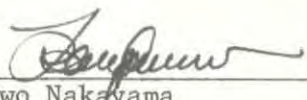
1 ratified in accordance with section 4, subsection (1) above, the Presi-  
2 dent shall, no later than 15 days thereafter, issue a proclamation  
3 announcing the ratification of the amendment and that its effectiveness  
4 is retroactive to the date of the election,

5 Section 6, Implementing regulations. The President is hereby  
6 authorized to designate an agency within the executive branch to  
7 administer the provisions of this act with the power to issue implement-  
8 ing rules and regulations which, upon approval by the President, shall  
9 have the force and effect of law,

10 Section 7, Effective date. This act shall become law upon approval  
11 by the President of the Federated States of Micronesia or upon its becom-  
12 ing law without such approval,

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

September 28, 1982

  
\_\_\_\_\_  
Tosiwo Nakayama  
President  
Federated States of Micronesia