


Proposal no. CC-PR-4-11

COM: Gov't structure & Function

would mean at least 7 votes, with the current number of ten members elected by district), AND another vote by all the members elected at large (which currently number four), with all such members needing to vote in support of the override.

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Introducer:   
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By request of the Delegation

Date: 1/10/20

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Proposal No.: CC-RR-4-11

Assigned to: Committee on Government Structure and Function

## PROPOSAL TO AMEND CONSTITUTION

To amend Article IX, section 2(q) of the Constitution of the Federated States of Micronesia to provide for the number of votes required to override a Presidential veto.

(q) to override a Presidential veto by not less than a 3/4 2/3 vote of all the members elected from congressional districts in each state followed by a unanimous vote of all the state delegations, ~~each delegation casting one vote~~ members elected at large.

### PURPOSE AND INTENT OF AMENDMENT:

A guiding intent of this proposal is to ensure proper checks and balances between the Executive and Legislative branches of the National Government of the Federated States of Micronesia. It is essential for the preservation of the constitutional principle of checks and balances upon which the system of government of the Federated States of Micronesia is founded, that the Executive, Legislative, and Judicial branches of government, being co-equals, are able to check the actions of the other. To the Judiciary, the Constitution of the Federated States of Micronesia bequeaths the power of judicial review over the actions of the Executive and Legislative branches. The Legislative branch is vested the ability to reverse judicial decisions through its power to initiate constitutional amendments and enact laws. The Executive branch has the power of veto, and the Legislative branch the means to override the veto.

But when these facilities of checks cannot be meaningfully applied, the system of balanced power between branches of government starts to erode. Given that the number of votes for the Congress of the Federated States of Micronesia to pass bills is the same number of votes for Congress to override a veto of the same bills, such imbalance of power is potentially the case between the Executive and Legislative branches.

To pass a bill on final reading, a ~~2/3~~ vote of 4 State delegations in Congress is required, with each State delegation casting one vote. This equates to 3 of 4 votes.

To override a veto, a 3/4 vote of 4 State delegations in Congress is presently required, with each State delegation casting one vote. This also comes down to 3 of 4 votes. So, the same number of votes to pass a bill on final reading is the same number of votes to override a veto of that bill. In all likelihood, the same 3 State delegations that vote to pass a bill on final reading will also vote to override a veto of that bill. This in effect renders the application of the veto power meaningless under an ill-proportioned structure of cross checks between the Executive and Legislative branches. In the end, this asymmetry of power will erode the system of checks and balances.

In order to ensure proper checks and balances, this proposal aims to increase the voting threshold by which Congress overrides a veto. This proposal envisions a process of two separate rounds of voting: one round by all the members elected from the congressional districts (which currently number ten), with at least 2/3 of such members needing to vote in support of the override (which