

A RESOLUTION

Proposing amendments to the Kosrae State Constitution, Article V, Section 2 to provide for the elimination of run-off elections unless two or more candidates have an equal number of votes for an office.

1 **WHEREAS**, Article V, Section 2 of the State Constitution requires a candidate to
2 acquire a majority of the votes cast in order to win office for Governor or Lieutenant
3 Governor; and

4 **WHEREAS**, Article V, Section 2 of the Kosrae State Constitution specifies that
5 if no person or pair receives a majority of the votes cast, a special election shall be held
6 between the two persons or pairs receiving the highest numbers of votes in the general
7 election; and

8 **WHEREAS**, the State incurs considerable expenses in conducting such run-off
9 elections; and

10 **WHEREAS**, the requirement for run-off elections can cause such delays in the
11 electoral process as to prevent the Governor and Lieutenant Governor from assuming
12 office on the second Tuesday of January after the general election as required by Article
13 V, Section 3 of the Constitution; and

14 **WHEREAS**, KSC §3.1902(1) already provides for the procedure in the event of
15 a tied election; and

16 **WHEREAS**, by adoption of this resolution the Kosrae State Legislature now
17 proposes the following amendment to the Kosrae State Constitution:

18 That The Kosrae Constitution Article V, Section 2 be amended to read as follows:

19 “Section 2. The Governor and Lieutenant Governor are elected by the qualified
20 voters of the State at a general election. The Governor and Lieutenant Governor may be
21 elected together from one ticket. The person or pair receiving the highest number a
22 ~~majority~~ of votes cast wins. ~~If no person or pair receives a majority of the votes cast, a special~~
23 ~~election shall be~~

1 ~~held between the two persons or pairs receiving the highest number of votes in the general~~
2 ~~election. In the event that an independent candidate prevails over a pair of candidates on the same~~
3 ~~ticket, and there is no majority vote for an independent candidate for the office not filled by the~~
4 ~~prevailing independent candidate, then a special election shall be held to fill the office left~~
5 ~~vacant.”~~

6 **WHEREAS**, pursuant to Article XV, Section 2 of the Constitution, the proposed
7 amendment must be submitted to the voters as required by KSC §3.2001(1)(d) at a
8 special election. The question submitted shall be:

9 “Should Kosrae eliminate run-off elections for the offices of the Governor and
10 Lieutenant Governor unless two or more candidates have an equal number of votes?

11 YES

12 NO

13 Now and therefore;

14 **BE IT RESOLVED**, that the Kosrae State Legislature proposes these amendment
15 to the Kosrae Constitution through adoption of this resolution by three-fourths of the
16 Senators; and

17 **BE IT FURTHER RESOLVED**, that Kosrae State Constitution Article V,
18 Section 2 be amended to read as follows:

19 “Section 2. The Governor and Lieutenant Governor are elected by the qualified
20 voters of the State at a general election. The Governor and Lieutenant Governor may be
21 elected together from one ticket. The person or pair receiving the highest number a
22 ~~majority~~ of votes cast wins. ~~If no person or pair receives a majority of the votes cast, a special~~
23 ~~election shall be held between the two persons or pairs receiving the highest number of votes in~~
24 ~~the general election. In the event that an independent candidate prevails over a pair of candidates~~
25 ~~on the same ticket, and there is no majority vote for an independent candidate for the office not~~
26 ~~filled by the~~

1 ~~prevailing independent candidate, then a special election shall be held to fill the office left~~
2 ~~vacant~~"; and

3 **BE IT FURTHER RESOLVED**, that the question submitted to the voters shall
4 be:

5 "Should Kosrae eliminate run-off elections for the offices of the Governor and
6 Lieutenant Governor unless two or more candidates have an equal number of votes?

7 YES

8 NO"; and

9 **BE IT FURTHER RESOLVED**, that certified copies of this resolution be
10 transmitted to the Honorable Robert J. Weilbacher, Governor of Kosrae; Mr. Daniel
11 Thompson, Chairman of the Electoral Commission; and the Mayors of each
12 Municipality.

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24 Date: _____

Introduced by: _____
Senator Lipar L. George