TITLE 2 - ELECTIONS AND REFERENDA
CHAPTER 6 - CONSTITUTIONAL CONVENTION

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CONSTITUTIONAL CONVENTION ACT 2026

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TITLE 2 - ELECTIONS AND REFERENDA
CHAPTER 6 - CONSTITUTIONAL CONVENTION

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CONSTITUTIONAL CONVENTION ACT 2026

AN ACT to provide for the calling of a Constitutional Convention, prescribing its powers, duties and functions, and submission of adopted proposals to a referendum; and for related purposes.

Commencement:			*March 5, 2026*
Source:			*P.L. 2026-62*
P.L. 2026-71	*P.L. 2026-74*	*P.L. 2026-75*	*P.L. 2026-76*
	P.L. 2026-77	*P.L. 2026-78*	*P.L. 2026-80*

PRELIMINARY

§601. Short title.

This Chapter may be cited as the Constitutional Convention Act 2026.

§602. Interpretation.

(a) "Committee" means the Pre-Convention Committee established under this Chapter;

(b) "Convention" means the Constitutional Convention established herein;

(c) "Speaker" means the Speaker of the Nitijela;

(d) "President" means the President of the Constitutional Convention.

§603. Intent.

(1) Whereas the Nitijela is required under Article XII, Sections 1,2,3 and 4 of the Constitution to provide for holding of a Constitutional Convention;

(2) Whereas it is desirable to present proposals for constitutional amendment to a duly elected Convention in accordance with Article XII, Section 4(3) of the Constitution; and

(2) Whereas, the Nitijela has determined that it is advisable to present proposals for constitutional amendment to a Constitutional Convention in accordance with Article XII, Section 4(3) of the Constitution.

(3) Now therefore, it is the duty of the Nitijela to provide for the holding of a Constitutional Convention as follows:

PART II – CONSTITUTIONAL CONVENTION

§604. The Convention

There is hereby created, in accordance with Article XII of the Constitution, a convention to be known as the Constitutional Convention 2026.

§605. Members

The Constitutional Convention shall consist of forty-five (45) members, elected as follows:

(1) Thirty-three (33) members to be elected from the electoral districts in the same manner as provided in Article IV Sections 2 of the Constitution as follows:

(a) Majuro shall be represented by five (5) members;

(b) Kwajalein shall be represented by three (3) members;

(c) Ailinlaplap shall be represented by two (2) members;

(d) Arno shall be represented by two (2) members;

(e) Jaluit shall be represented by two (2) members;

(f) Mili shall be represented by one (1) member;

(g) Ebon shall be represented by one (1) member;

(h) Lib shall be represented by one (1) member;

(i) Namdrik shall be represented by one (1) member;

(j) Maloelap shall be represented by one (1) member;

(k) Wotje shall be represented by one (1) member;

(l) Likiep shall be represented by one (1) member;

(m) Ailuk shall be represented by one (1) member;

(n) Aur shall be represented by one (1) member;

(o) Namu shall be represented by one (1) member;

(p) Wotho shall be represented by one (1) member;

(q) Enewetak/Ujelang shall be represented by one (1) member;

(r) Bikin/Kili shall be represented by one (1) member;

(s) Rongelap shall be represented by one (1) member;

(t) Mejit shall be represented by one (1) member;

(u) Utrik shall be represented by one (1) member;

(v) Ujae shall be represented by one (1) member;

(w) Lae shall be represented by one (1) member;

(x) Jabat shall be represented by one (1) member.

(2) Narikrik, Erikub, Jemo, Taka, Bikar, Bokak, Enekio, Rongrik and Ailinginae shall each be included in the electoral district with which it is most closely associated, pursuant to custom and traditional practice;

(3) In addition to subsection (1) above, twelve (12) other members who are of Iroij descent shall be represented by twelve (12) Iroijs and or Leiroijs, elected in the following manner:

(a) Ralik Chain (excluding Enewetak and Ujelang) shall be represented by four (4) Iroijs and/or Leiroijs, elected in the following manner:

(i) one Iroij or Leiroij from the domain (mojen) Laelang Kabua;

(ii) One Iroij or Leiroij from the domain (mojen) of Jeimata Kabua;

(iii) One Iroij or Leiroij from the domain (mojen) of Loeak;

(iv) One Iroij or Leiroj from the domain (mojen) of Litokwa.

(b) Enewetak and Ujelang shall be represented by one Iroij or Leiroij;

(c) Mili shall be represented by one Iroij or Leioij;

(d) Arno shall be represented by one Iroij or Leiroij;

(e) Mejit shall be represented by one Iroij or Leiroij;

(f) Majuro shall be represented by one Iroij or Leiroij;

(g) Airok (Maloelap) shall be represented by one Iroij or Leiroij;

(h) Aur, Wotje, Maloelap, Utrik and Ailuk shall be represented by one Iroij or Leiroij;

(i) Likiep shall be represented by one Owner. **[Amended by P.L. 2026-77]**

§606. Qualification

The qualifications to become a member of the Constitutional Convention shall be the same as those required to qualify as a member of the Nitijela, as set out under Article IV Section 2 of the Constitution.

§607. Elections

(1) The election of members to the Constitutional Convention shall be governed by the provisions of the Election and Referenda Act 1981 and the provisions of such Act shall apply mutatis mutandis to the conduct of such elections. The election of Iroij and Leiroij under Section 605(3) of this Chapter shall be election by consensus. "Election by Consensus" has the same meaning under the Election and Referenda Act 1980.

(2) All persons who are qualified to vote pursuant to the Constitution and the Elections and Referenda Act 1981 shall be eligible to vote at this election.

(3) The elections anticipated herein shall be conducted within a reasonable time from the enactment of this Chapter.

§608. Vacancies

(1) Notwithstanding the provisions of the Elections and Referenda Act 1981, in the event of a vacancy occurring during the course of the Constitutional Convention, such vacancy shall be filled by the candidate who polled the next highest numbers of votes.

(2) In the event subsection (1) does not apply because of successful candidate was unopposed, the Chief Electoral Officer shall proceed

under the provisions of Section 139 of the Election and Referenda Act, as provided in Section 107 of this Chapter, and shall set a time for nominations under Section 146 as soon as practicable:

(a) If the vacant seat is unopposed; the Chief Electoral Officer shall declare that person to be elected pursuant to Section 149 of the Election and Referenda Act;

(b) If there is more than one candidate, and the Chief Electoral Officer determines that a special election is impracticable, before the conclusion of the Constitutional Convention, no special election shall be held.

§609. Pre-Convention Committee

(1) There is hereby established a Pre-Convention Committee which shall consist of nine (9) members as follows:

(a) the Speaker of the Nitijela or his designee, who shall also serve as chairman of the Committee;

(b) eight (8) other members appointed by the Speaker.

(b) The Pre-Convention Committee shall act as the Coordinating Committee and shall ensure accommodation, Convention administrative facilities and staffs are organized for the proper commencement and functioning of the Convention.

(c) The Committee may be assisted by the staff of the Nitijela as and when the Chairman deems it necessary. **[Amended by P.L. 2026-75].**

§610. Session of the Convention

(1) The Convention shall convene in Majuro upon the call of the Nitijela, on a date fixed by the Nitijela; provided that where Nitijela is not in session, the date shall be fixed by the Speaker, shall remain in session for a period of not exceeding thirty (30) sitting days, and not exceeding thirty (30) working days. The term ‚*sitting days*' as used herein shall have the same meaning as defined under the Rules of the Procedures of the Nitijela. The term '*working days'* as used herein shall mean those days, not exceeding thirty (30) days, on which the Committees of the Convention convened to conduct hearings or official business of the Convention, as approved by the President of the Convention.

(2) Notwithstanding subsection (1), the Convention may, by resolution adopted by majority of all its members, extend the number of sitting days and working days for such additional period as it considers for the completion of its duties, provided that:

(a) such extension shall not extend into a subsequent calendar year; and

(b) no extension shall result in expenditure exceeding the amount appropriate under Section 619 of this Chapter.

[Amended by P.L. 2026-77]. [Amended by P.L. 2026-80].

§611. Officers of the Convention

(1) **President**

(a) The President shall be elected by the members of the Constitutional Convention at the first meeting. The Speaker shall preside over this initial meeting for the purpose of conducting the election. Election shall be by majority vote of the members present. Upon the conclusion of the election, the Speaker shall vacate the Chair, and the newly elected President shall assume the Chair and preside over the remainder of the meeting and all subsequent sessions of the Convention.

(b) The President of the Convention shall preside over all sessions of the Convention and ensure the proper conduct of the meetings of the Convention.

(c) In the event that the President is temporary unable to perform his duties, he or she may designate from amongst the membership of the Convention, another member to perform such functions until such time that he or she is able to assume responsibility.

(2) **Vice President**

(a) The Vice President shall be elected by the members of the Convention, immediately following the election of the President, by majority vote of members present.

(b) The Vice President shall perform all duties of the President in the President's absence or temporary incapacity.

(3) **Secretary**

(a) The Secretary shall be elected by the member of the Convention, immediately following the election of the Vice President, by majority vote of the members present.

(b) The Secretary shall be responsible for administrative, procedural, and record keeping functions of the Convention, including preparing minutes, maintaining official documents, and assisting the President and the Vice President in administrative matters. **[Amended by P.L. 2026-77]**

§612. Procedures of the Convention

The Convention may adopt its own rules of procedure. The Convention may refer to the Rules of Procedures of the Nitijela for guidance, or in the case where a matter is not provided for in its own rules.

§613. Duties of the Convention

(1) The Convention shall consider all proposals presented by the Nitijela pursuant to this Chapter and as set out for reference in the Schedule of this Chapter.

(2) The Convention shall not consider or adopt amendments that are not related to or inconsistent with, the proposals referred to it for consideration by the Nitijela pursuant to Article XII, Section 4(3) of the Constitution.

(3) Upon the completion of the duties of the Convention, the President of the Convention shall forthwith, notify the Speaker of the amendments or proposals it has adopted for submission to a referendum.

(4) The Schedule forms part of this Chapter solely for the purpose of presenting proposals to the Constitutional Convention and shall not be construed as amending, enacting, or pre-determining the text of any constitutional amendment.

§614. Powers of the Convention.

(1) The Convention shall have the following powers:

(a) the power to procure and receive all evidence, written or oral and to examine witnesses;

(b) the power to issue subpoenas requiring the attendance of witnesses or the productions of books, documents or any other items of interest related to the work of the Convention;

(c) the power to require that witnesses be sworn under oath or affirmation;

(d) the power to administer or cause to be administered an Oath or Affirmation.

(2) The Convention may request information from any government department and it shall be the duty of a government department to produce such information, except where in the opinion of the Head of the Department such information is considered confidential in the interests of National Security.

PART III – GENERAL PROVISIONS

§615. Issues of Subpoenas.

(1) Every subpoena issued by the Convention shall be issued under the hand of the President of the Convention or such other member authorized by the President and shall be executed or served by the Department of Public Safety.

(2) Every person served with a subpoena to appear before the Convention or to produce books, documents or other items of interest related to the work of the Convention shall appear before the Convention for such purposes promptly at the time and place specified in the subpoena.

§616. Contempt.

(1) Any person who, without justification cause:

(a) fails to obey a subpoena issued under this Chapter;

(b) refuses to be sworn or affirmed for the purposes of the Convention, shall be liable for contempt.

(2) The President of the Convention shall have the authority to refer the matter to the Office of the Attorney-General for prosecution.

§617. Staff of the Convention.

The Convention may employ such staff or consultant as it may deem necessary for the proper functioning of the Convention.

§618. Compensation.

(1) Members of the Convention who are employees of the Public Service Commission shall be entitled to leave with pay.

(2) All members of the Convention shall be entitled to a sitting allowance at the Rates of one hundred and fifty dollars ($150.00) per 'sitting day' and working day allowance at the same rate.

(3) Any such increase relating to the above subsection (2) shall be within the amount that has been appropriated for the Constitutional Convention.

(4) Members of the Convention who are residents of Ebeye and other neighbouring islands shall be entitled to the necessary travel expenses and per diem at the standard government rate for Majuro Atoll, in addition to the sitting allowance.

(4) Staff of the Convention who are employees of the Public Service shall be entitled to leave with pay, while staff who are not employees of the Public Service shall be entitled to renumeration as determined by the Convention at such rates compatible with the salary rates in the Public Service Commission.

(5) Any double payment of allowances or remuneration for staff is permitted only with the prior approval of the Public Service Commission and in accordance with applicable PSC regulations. **[Amended by P.L. 2026-77].**

§619. Appropriation.

(1) A Fund in the initial amount of one million dollars *($1,000,000.00*) shall be appropriated to defray expenses incurred in the elections to the Convention, the administration of the Convention, the allowances, fees and per diem of the members and staff of the Convention and any other cost related to the work of the Convention.

(2) In addition to subsection (1), an amount of one million two hundred and sixty thousand dollars ($1,260,000) shall be appropriated from the

General Fund through the Annual Appropriation Act for Fiscal Year 2027 for the purposes of this Chapter; of which:

(a) seven hundred and sixty thousand dollars ($760,000) shall be allocated for the administration and operation of the Constitutional Convention including the allowances, fees, travel expenses and per diem of the members and staff of the Convention, and any other expenditure necessarily incurred for the purposes of this Chapter.

(b) five hundred thousand dollars ($500,000) shall be allocated for the conduct of the constitutional referendum.

[Amended by P.L. 2026-80].

§620. Administration of Funds.

(1) The funds allocated for the purposes of this Chapter, shall be determined by the Speaker of the Nitijela jointly with the Secretary of Finance strictly for the purposes of this Chapter. The Speaker of the Nitijela shall ensure that all receipts, invoices and any other records of expenditures of such funds are maintained.

(2) The funds so allocated shall remain available until the work of the Convention has been concluded. Any balance remaining un expended shall be transferred to the General Fund.

§621. Effective Date.

This Chapter shall take effect in accordance with the Constitution and the Rules of Procedures of the Nitijela.

SCHEDULE

SUMMARY OF PROPOSALS

I. PROPOSALS THAT MAY BE AFFECTED BY NITIJELA INITIATIVE AND REFERENDUM

1. **Proposal No. 1 –** Article IV, Section 10(1): To amend Article IV, Section 10(1) by deleting the words "first" and substituting with the word "second", so that it shall read as follows:

(1) The Nitijela shall meet in regular session on the ~~first~~ second Monday in January in each year and shall, subject to Section 11 of this Article, remain in session for 50 sitting days.

Provided that the President may, by writing signed by him, appoint a later date for the termination of any regular session.

2. **Proposal No. 2** - Article XI, Citizenship: To amend Article XI of the Constitution to provide that matters relating to the approval of citizenship by registration shall fall within the policy and administrative responsibility of the Cabinet, while preserving the court's authority to conduct judicial review.

3. **Proposal No. 3.** – This proposal seeks to amend the Constitution to the Republic of the Marshall Islands to clarify that the Constitution and laws enacted by the Nitijela are the exclusive sources of binding civil and criminal law in the Republic, and that no religious legal system or tribunal shall exercise independent civil or criminal jurisdiction outside of the constitutional framework.

II. PROPOSALS THAT REQUIRE NITIJELA INITIATIVE, CONSTITUTIONAL CONVENTION AND REFERENDUM.

4. **Proposal No. 4 – to read as follows:**

(1) To amend Article V, Section 3: The President:

(a) To amend this Section to provide for the direct election of the President by the people, rather than by the Nitijela.

(b) To provide that the election of the President shall be conducted at the same time as the general election.

(c) To establish an electoral vote system for the election of the President as follows:

(i) each electoral district shall be allocated votes in accordance with law, in:

Majuro – five (5) electoral votes;

Kwajalein – three (3) electoral votes;

Jaluit – two (2) electoral votes;

Arno – two (2) electoral votes;

Ailinlaplap – two (2) electoral votes;

Each remaining electoral district - one (1) electoral votes.

(ii) The total number of electoral votes shall be thirty-three (33).

(iii) A candidate shall be declared elected President upon receiving a majority of the total electoral votes (being at least eighteen (18) out of thirty-three (33), only in the event that no candidate receives more than one-half of the total valid votes cast in an election.

(iv) Determination of President (two step-system):

(d) The candidate receiving the highest number of votes cast in an election shall be declared elected President if such candidates receive more than one-half of the total valid votes cast;

(e) In the event that no candidate receives more than one-half of the total valid votes cast, the winner shall be determined using the electoral vote system set forth in the Section, whereby a candidate shall be declared elected upon receiving a majority of the total electoral votes.

(f) To proposal that the candidate for the Presidency shall:

(i) meet the qualifications for candidates as prescribed under Article IV, Section 4 of the Constitution of the Republic of the Marshall Islands;

(ii) is not less than thirty-five (35) years of age;

(iii) is nominated in accordance with the same nomination process as applies to candidates for membership of Nitijela;

(iv) meets such additional qualification as prescribed by law.

(e) Except as expressly amended by this proposal, all provisions relating to the powers, functions, and tenure of the President shall remain unchanged.

(g) The President shall hold office for a term of four (4) years and no person shall be elected to the office of President for more than two (2) consecutive terms.

(h) Where such vacancy occurs in the Office of the President, whether by resignation, removal from office, death, or any other cause, a new President shall be elected in accordance with this Section within thirty (30) days after the occurrence of the vacancy.

(i) To include other matters relating to appointment and others connected therewith.

2. To provide and clarify that Article V, Section 4, Appointment of Cabinet after Election of the President:

(a) To provide that, following the direct election of the President, the appointment of Ministers and the formation of the Cabinet shall continue to be carried out in accordance with the existing procedures prescribed under Article V of the Constitution.

(b) To clarify that, except as expressly amended by this proposal, all constitutional provisions relating to the nomination appointment, and tenure of Minister shall remain unchanged.

(c) To include other matters connected thereto.

3. To Amend Article V, Section 7, Vote of No Confidence in the Cabinet.

(a) To amend this Section by the removal of the existing provisions that provide for the removal of Cabinet and the President by motion of vote of no confidence and the substitution with provisions providing that:

(i) The inclusion of a provision that the President may be removed from office only on the grounds applicable to the removal of a judge of the High Court or Supreme Court.

(ii) such removal shall require the votes of not less than two-thirds (2/3) of the total membership of the Nitijela.

(b) To include other matters connected thereto.

4. To amend Article V, Section 9, Acting President.

(a) To provide that, in the event the President is unable to perform the functions of the office, the Acting President shall be appointed in accordance with existing language and procedure currently prescribed under Article V, Section 9 of the Constitution.

(b) Where the President becomes incapacitated and is unable to perform the functions of the office, and has not designated as Acting President, the Cabinet shall, within two (2) days of such incapacity, nominate from among its members a person to act as President, and the Speaker shall appoint such nominee as Acting President.

(c) Where the vacancy occurs in the office of the President, whether by resignation, removal from office, death, or any cause, the Cabinet shall, within ten (10) days of such occurrence of the vacancy, nominate among its members a person to act as President, and the Speaker shall appoint such nominee as Acting President.

(d) A person appointed as Acting President under this Section shall perform the functions of the Office of the President in an interim capacity until a new President is elected in accordance with Section 3 of this Article and assumes office.

(e) To include all other matters connected thereto.

5. Proposal No. 5 to read as follows:

(1) To amend Article IV, Section (2) (Membership of the Nitijela) to provide that:

(a) The membership of the Nitijela shall be increased from thirty-three (33) to thirty-four (34).

(b) The increase in membership is intended to provide for an additional seat in the Nitijela in light of the proposed direct election of the President by the people, whereby the President shall no longer be selected from among the membership of the Nitijela.

(c) To include other matters connected therewith.

6. Proposal No. 6 – Voting by the Speaker of the Nitijela.

(1) To amend Article IV, Section 15 (Procedure of the Nitijela) of the Constitution of the Republic of the Marshall Islands as follows:

(a) To provide that Speaker shall be entitled to vote on any question before the Nitijela in the same manner as any other member.

(b) To further provide that, in the event of an equality of votes, the Speaker shall exercise a casting vote; provided that the Speaker shall not exercise both a deliberative vote and a casting vote on the same question.

(c) To amend Article IV, Section 15(4) to clarify the requirement that every member present shall vote applies to the Speaker in the same manner as to other members subject to paragraph (b).

(d) To include other matters connected therewith.