

REPUBLIC OF THE MARSHALL ISLANDS  
4<sup>th</sup> CONSTITUTIONAL CONVENTION, 2017

April 26, 2017

**MEMORANDUM**

To: Hon. Kenneth A. Kedi  
Speaker of the Nitijela

From: Office of the ConCon

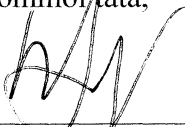
Subject: Official Transmittal of Letter

---

Iakwe Speaker Kedi,

Please find attached a letter from the Honorable Kessai H. Note, President of the 4<sup>th</sup> Constitutional Convention 2017, requesting for amendment to the Constitutional Convention Act 2015 relating to vacancies.

Kommoltata,

  
Yolanda Lodge-Ned  
Secretary, 4<sup>th</sup> ConCon 2017

*Cc: File*



**REPUBLIC OF THE MARSHALL ISLANDS**  
**THE 4TH CONSTITUTIONAL CONVENTION 2017**

POST OFFICE BOX 24  
MAJURO, REPUBLIC OF THE MARSHALL ISLANDS 96960  
TELEPHONE: (692) 625 - 9002

April 26, 2017

Honorable Speaker Kedi:

I am writing you to request consideration of an amendment to the ConCon Act relating to vacancies. As you may be aware, Delegate Iroj Jeimata Kabua has serious health issues which may lead to his resignation from his seat on the Convention. The Act currently has a provision dealing with this at Section 408, which provides: "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 number of votes." In the case of Iroj Jeimata's seat, he ran unopposed and there is no other candidate to fill the seat. In the absence of other provisions, it has been argued that the Elections and Referenda Act would apply, which would require a special election. Obviously, the time frame for holding such an election would be problematic, in terms of filling the seat in a timely manner. It seems from Section 408, the Nitijela intended that a speedy and efficient mechanism, short of a special election, be used to fill vacancies. In light of the importance of filling the seat to insure proper representation of the interests involved, I would ask that if the Nitijela comes back into special session, consideration be given to amending the Act to address this situation in a quick and timely manner.

I am available to discuss this further at your earliest convenience. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kessu H. Note", is written over a circular stamp. The stamp contains the name "Kessu H. Note" in a serif font.

Kessu H. Note

President, Fourth Constitutional Convention