

## TITLE 2

### EXECUTIVE

#### CHAPTERS

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#### CHAPTER 1

##### Presidential Succession

#### SECTIONS

- § 101. Succession to Office of President**
- § 102. Vacancy in the Office of Vice President.**
- § 103. Vacancy in the Offices of President and Vice President.**
- § 104. Declaration of the President's inability to serve.**
- § 105. Disappearance, kidnapping, or total disability of the President.**

##### **§ 101. Succession to Office of President.**

If the President dies, resigns, or is impeached, the Vice President shall become President.

**Source:** PL IC-32 § 1.

##### **§ 102. Vacancy in the Office of Vice President.**

If the Vice President dies, resigns, is impeached, or becomes President, the Congress shall elect a Vice President and declare a vacancy in the Congress.

**Source:** PL IC-32 § 2.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

### **§ 103. Vacancy in the Offices of President and Vice President.**

If both the President and Vice President die, resign, or are impeached, the Speaker of the Congress shall immediately assume the powers and duties of the President as Acting President, and the Congress shall within 30 days of the last vacancy elect a President and Vice President, convening for that purpose if not in session, and declare vacancies in the Congress. If the Office of the Speaker is vacant, or if the Speaker dies or resigns from Congress during said 30-day period, the Vice Speaker shall immediately assume the powers and duties of the President as Acting President.

**Source:** PL IC-32 § 3.

**Cross-reference:** FSM Const., art. X, § 6 states as follows:

Section 6. If the office of the President is vacant, or the President is unable to perform his duties, the Vice-President becomes President. The Congress shall provide by statute for the succession in the event both offices are vacant, or either or both officers are unable to discharge their duties.

The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

### **§ 104. Declaration of the President's inability to serve.**

(1) If two-thirds of all Members of Congress transmit to the Speaker of the Congress their written declaration that the President is unable to discharge the powers and duties of his or her office, the Vice President shall immediately assume the powers and duties of the President as Acting President.

(2) If the President transmits to the Speaker of the Congress his or her written declaration that no inability exists, he or she shall four days thereafter resume the powers and duties of his or her office, unless three-fourths of all Members of Congress shall sooner transmit to the Speaker of the Congress their written declaration that the President is unable to discharge the powers and duties of his or her office.

(3) Thereupon the Supreme Court shall convene within three days to decide the issue, shall hear evidence for a period not to exceed seven days, and shall issue its decision within three days after the close of evidence. If the Supreme Court determines by majority or tie vote that the President is unable to discharge the powers and duties of his or her office, the Vice President shall become President. Otherwise, the President shall resume the powers and duties of his or her office.

(4) If the President does not transmit the declaration provided for in subsection (2) of this section within 180 days after the declaration provided for in subsection (1) of this section, the Vice President shall become President.

**Source:** PL IC-32 § 4; PL 7-91 § 2.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The

statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

**§ 105. Disappearance, kidnapping, or total disability of the President.**

(1) If the majority of the principal officers of the executive departments appointed by the President pursuant to article X, section 2(d) of the Constitution transmit to the Speaker of the Congress their written declaration that the President has disappeared or has been kidnapped or has become totally disabled, the Vice President shall immediately assume the powers and duties of the President as Acting President.

(2) The President shall resume the powers and duties of his or her office if his or her disappearance or kidnapping or total disability shall cease, as certified by his or her written declaration transmitted to the Speaker of the Congress, within 180 days after the Vice President has assumed the powers and duties of the President as Acting President; otherwise, the Vice President shall become President.

(3) For purposes of this section, the term “total disability” shall mean the inability of the President to transmit the written declaration provided for in subsection (2) of section 104 of this chapter.

**Source:** PL IC-32 § 5; PL 7-91 § 3.

**Cross-reference:** The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.