

Siis Mun. Election Comm'n v. Chuuk State Election Comm'n  
17 FSM Intrm. 146 (Chk. S. Ct. App. 2010)

CHUUK STATE SUPREME COURT AFFILIATE DIVISION

SIIS MUNICIPAL ELECTION COMMISSION	)	APPEAL CASE NO. 01-2010
and LORENZO MARIANO, in his capacity as Siis	)	
Municipal Election Commissioner,	)	
	)	
Appellants,	)	
	)	
vs.	)	
	)	
CHUUK STATE ELECTION COMMISSION,	)	
	)	
Appellee,	)	
	)	
and	)	
	)	
KICHY KANEMOTO,	)	
	)	
Real Party in Interest.	)	
	)	

ORDER OF DISMISSAL

Hearing: June 9, 2010  
Decided: June 9, 2010

BEFORE:

Hon. Keske S. Marar, Associate Justice, Presiding  
Hon. Bethwell O'Sonis, Temporary Justice\*  
Hon. George Z. Isom, Temporary Justice\*\*

\*Attorney at Law, Micronesia Legal Services Corporation, Weno, Chuuk  
\*\*Attorney at Law, FSM Public Defender's Office, Weno, Chuuk

For the Petitioners:	Fredrick A. Hartmann P.O. Box 882 Weno, Chuuk FM 96942
For the Respondent:	Jayson Robert Deputy Attorney General Office of the Chuuk Attorney General P.O. Box 1050 Weno, Chuuk FM 96942
For the Real Party in Interest:	Kind Kanto P.O. Box 927 Weno, Chuuk FM 96942

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HEADNOTE

Appellate Review – Decisions Review of Elections – Revote

The Chuuk State Supreme Court appellate division does not have jurisdiction over a challenge to a municipal election commission's order for a revote because it is not an election contest since the appellant does not contest an election result or a candidate's qualifications and since it is not an appeal from a municipal court decision or otherwise an appeal from a trial court decision. Siis Mun. Election Comm'n v. Chuuk State Election Comm'n, 17 FSM Intrm. 146, 147 (Chk. S. Ct. App. 2010).

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COURT'S OPINION

PER CURIAM:

On June 7, 2010, the appellant filed a verified complaint and motion for temporary restraining order in the appellate division requesting an order to prevent a revote in Siis municipality of its mayoral election that was ordered by the State Election Commission for June 8, 2010. On June 9, 2010, the appellate panel convened and held a hearing with counsel present for each party.

Upon reviewing the papers filed and the representations of counsel, the court concludes that it does not have jurisdiction over this matter as an election contest filed in accordance with the procedures set forth in Chk. S.L. No. 3-95-26, § 123 *et seq.* since the appellant does not contest the result of an election or the qualifications of a candidate. Chk. S.L. No. 3-95-26, § 123. Nor is it an appeal from a municipal court decision in accordance with Section 35 of Judiciary Act, or otherwise an appeal from a trial court decision, in either state court, or municipal court. Chk. Const. art. VII, § 4. No basis for the appellate court's jurisdiction is otherwise apparent.

Therefore, the appeal is dismissed for lack of jurisdiction.

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