


I MINA'TRENTA NA LIHESLATURÁN GUÁHAN  
2009 (FIRST) Regular Session

Bill No. 296-30 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

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AN ACT TO REQUIRE THE GUAM ELECTION  
COMMISSION TO VERIFY THE EXISTENCE OR NON-  
EXISTENCE OF A CRIMINAL RECORD OF A PERSON  
SEEKING PUBLIC OFFICE BY AMENDING 3 GCA,  
CHAPTER 2, §2107.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. Recent media accounts  
3 surrounding an elected official reference to his qualifications for public office  
4 have raised concern on the inadequacy of the current process of screening by the  
5 Guam Election Commission (GEC) of persons who are vying for public office.  
6 The recent revelation of a crime conviction of an elected official is the result of  
7 this inadequacy. It appears from this incident that the GEC has chosen to take  
8 the passive approach in determining the qualifications of a person for public  
9 office by simply accepting materials and documents submitted to the GEC by  
10 such person. To ensure that persons vying for public office are absolutely and  
11 fully qualified for the office they are seeking, it is the intent of *I Liheslaturan*

1 *Guåhan* to require the GEC to verify the existence or non-existence of criminal  
2 records of these persons by amending 3 GCA, Chapter 2, §2107.

3 **Section 2.** §2107. Placement on Ballot of 3 GCA, Chapter 2, is hereby  
4 amended to read:

5 **“§2107. Placement on Ballot.**

6 (a) No person shall be placed on the ballot for election to any public  
7 office unless the Commission has determined that said person possesses the  
8 qualifications for the office for which that person is a candidate.

9 (b) The Commission shall employ such lawful methods or means as  
10 may be necessary to verify any claim or representation reference to the  
11 qualification of said person. At the minimum, the Commission shall verify with  
12 the National Crime Information Center of the Federal Bureau of Investigation  
13 directly, or through the Guam Police Department as to the existence or non-  
14 existence of any criminal records.

15 (c) The Commission shall not certify the qualifications of any  
16 person vying for a public office unless the Commission first determined that the  
17 person is absolutely and fully qualified for the office for which that person is a  
18 candidate.”