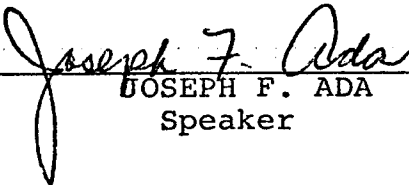


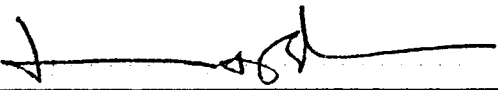
THIRTEENTH GUAM LEGISLATURE  
1976 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

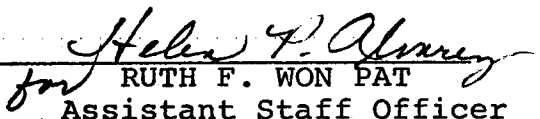
This is to certify that Substitute Bill No. 978, "An Act to repeal and reenact Chapter III of Title XVI of the Government Code to call a Constitutional Convention and to make an appropriation for such convention and for other purposes", was on the 2nd day of December, 1976, duly and regularly passed.

  
JOSEPH F. ADA  
Speaker

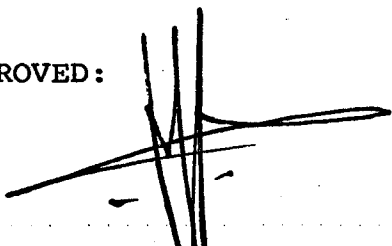
ATTESTED:

  
FRANK F. BLAS  
Acting Legislative Secretary

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This Act was received by the Governor this 6th day of December, 1976, at 2:45 o'clock P.M.

  
RUTH F. WON PAT  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
RICARDO J. BORDALLO  
Governor of Guam

DATED: December 10, 1976  
11:54 A.M.  
P.L. 13-202

THIRTEENTH GUAM LEGISLATURE  
1976 (SECOND) Regular Session

Bill No. 978  
Substituted by  
Committee on Rules

Introduced by

---

F. F. Blas  
J. F. Ada  
T. V. C. Tanaka  
E. R. Duenas  
B. M. Palomo  
C. T. C. Gutierrez  
A. C. Sanchez  
F. R. Santos  
B. D. Ada  
C. C. Barrett  
E. M. Espaldon  
J. M. Rivera  
G. R. Salas  
J. H. Underwood  
A. C. Ysrael  
E. T. Charfauros  
A. L. Cristobal  
J. R. Duenas  
R. P. Duenas  
A. A. Sekt  
R. F. Taitano

AN ACT TO REPEAL AND REENACT CHAPTER III OF  
TITLE XVI OF THE GOVERNMENT CODE TO CALL A  
CONSTITUTIONAL CONVENTION AND TO MAKE AN  
APPROPRIATION FOR SUCH CONVENTION AND FOR  
OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Chapter III of Title XVI of the Government Code  
3 is repealed and reenacted to read:

4 "CHAPTER III

5 Constitutional Convention

6 Section 15200. Statement of Legislative Intent. The  
7 fundamental right of the people to draft and approve a  
8 constitution for the territory of Guam having been recognized  
9 by the Congress and the President of the United States by  
10 the enactment of Public Law 94-584, the Legislature expresses  
11 its intent to establish a Constitutional Convention, deter-  
12 mine the method of selecting delegates, and appropriate  
13 necessary funds, for the purpose of drafting a Guam Consti-  
14 tution setting forth the fundamental principles that  
15 determine the powers and duties of the government and

1 guarantee certain rights, privileges and immunities to the  
2 people. The Constitution which shall deal with those  
3 provisions of the Organic Act of Guam which relate to local  
4 self-government, shall provide for a republican form of  
5 government, a bill of rights, a system of courts, shall  
6 recognize and be consistent with the sovereignty of the  
7 United States over Guam and the supremacy of the provisions  
8 of the Constitution, treaties and laws of the United States  
9 applicable to Guam.

10 Section 15200.1. Constitutional Convention, calling  
11 of. A Constitutional Convention representing the people  
12 of Guam is called to convene May 4, 1977. When assembled  
13 the Convention shall have the powers and duties set forth  
14 in this Chapter.

15 Section 15200.2. Delegates to Convention, qualifi-  
16 cations for and number of. (a) The Convention shall be  
17 composed of delegates elected from each municipal district  
18 of Guam as such districts are set out in Chapter I of  
19 Title XVI of the Government Code. No person shall be  
20 elected to nor seated as a member of the Convention unless  
21 he shall be:

22 1. A Citizen of the United States.

23 2. Qualified to vote on Guam.

24 3. A resident of the municipal district from  
25 which he has been elected for not less than thirty (30)  
26 days immediately preceding the date of his election.

27 (b) Each municipal district shall be entitled to one  
28 delegate for each 750 registered voters residing within a  
29 district, provided, however, that regardless of the number  
30 of registered voters each district shall have at least one

1 delegate. It shall be the duty of the Election Commission  
2 to determine the number of delegates to be elected from  
3 each district. If after dividing the number of registered  
4 voters by 750 there is a remainder of 375 or more that  
5 district shall be accorded one additional delegate to the  
6 Convention.

7 Section 15200.3. Same, election of. (a) The  
8 Election Commission shall conduct a general election  
9 April 16, 1977, at which the voters of each municipal  
10 district shall elect delegates to the Convention. The Elec-  
11 tion Code and regulations promulgated thereunder shall apply  
12 with the following exceptions.

13 1. The election shall be non-partisan. (No  
14 political party directly or indirectly shall sponsor,  
15 nominate or endorse any of the candidates for the  
16 general election of delegates established by this  
17 Chapter).

18 2. No primary election shall be conducted.

19 Section 15200.4. Delegate, candidacy for. (a) No  
20 person shall be listed upon the ballot as a candidate for  
21 election as a delegate to the Convention nor certified by  
22 the Election Commission as having been elected unless not  
23 later than March 19, 1977:

24 1. The person desiring to be a candidate shall  
25 file with the Election Commission a sworn affidavit  
26 stating that:

27 i. He is a citizen of the United States.

28 ii. Upon election day that he shall have  
29 been a resident of the district for which he seeks  
30 election for not less than thirty (30) days.

1                   iii.    He seeks election as a delegate to the  
2                   Convention.

3                   2.    A person desiring to be a candidate shall  
4                   file with the Election Commission a petition for his  
5                   candidacy signed by not less than 50 nor more than  
6                   150 registered voters of the municipal district from  
7                   which he seeks to be elected a delegate.

8                   Section 15200.5.  Voters, registration of.  The Elec-  
9                   tion Commission shall register voters for the election of  
10                  April 16 through February 28, 1977, provided however, that  
11                  those persons who voted on November 2, 1976 need not re-  
12                  register.  In order to facilitate the registration of voters  
13                  the Election Commission is authorized and encouraged to  
14                  accept the assistance of volunteer clerks who may register  
15                  voters at schools, shopping centers, retail stores, and other  
16                  places where the public may gather.

17                  Section 15200.6.  Delegate seats, apportionment of.  
18                  No later than March 3, 1977, the Election Commission shall  
19                  determine and announce the number of delegates to be  
20                  elected from each municipal district.  Its apportionment  
21                  shall be based upon the number of persons registered as  
22                  voters as of February 28, 1977.

23                  Section 15200.7.  Results, declaration of.  Immediately  
24                  after the tabulation of the election returns for the election  
25                  of April 16, 1977, the Election Commission shall determine  
26                  the persons who have been elected to office and announce  
27                  those results.  After announcing the results of the election  
28                  the Election Commission shall cause to be prepared a certi-  
29                  ficate of election for each delegate elected and shall cause  
30                  to be delivered to the hands of each person elected a dele-  
31                  gate the original of such certificate which shall be

1 evidence of that person's right to attend and participate in  
2 the deliberations of the Convention.

3 Section 15200.8. Organizational meeting. The Speaker  
4 of the Guam Legislature, acting as a temporary presiding  
5 officer, shall convene the organizational meeting of the  
6 Convention at 10:00 a.m., May 4, 1977, in the Session Hall  
7 of the Guam Legislature. The presiding judge of the Superior  
8 Court, after receiving and verifying each person's certifi-  
9 cate of election as a delegate, shall administer the oath  
10 of office to the delegates. Immediately after the taking  
11 of their oath the delegates shall proceed to organize by:

12 (a) Electing a presiding officer, who shall be  
13 the President of the Convention.

14 (b) Adopting rules of order governing the pro-  
15 cedure of the Convention.

16 Immediately after the election of a presiding officer, that  
17 person shall assume the chair of the Convention. The Con-  
18 vention may meet for not more than five (5) days, which days  
19 need not be consecutive, in May for organizational purposes.  
20 Thereafter the Convention shall recess until July 1, 1977,  
21 when it shall reconvene for its regular deliberations.

22 Section 15200.9. Duty of delegates. It shall be the  
23 duty of the delegates to the Convention to draft a Consti-  
24 tution for the people of Guam pursuant to the provisions of  
25 U. S. Public Law 94-584.

26 Section 15200.10. Convention, duration of. Not  
27 including the organizational meetings of the Convention, the  
28 Convention shall meet for not more than 120 sessions days,  
29 and in no event shall the Convention continue beyond  
30 October 31, 1977, provided, however, the Convention may

1 reserve three (3) session days to occur between December 1  
2 and December 15, 1977, to adopt its final report. Further  
3 provided that the President of the Convention may call a  
4 special session of the Convention within sixty (60) days  
5 after the proposed Constitution as so approved and modified  
6 by Congress is returned to Guam so that the delegates may  
7 formally comment on any amendments by Congress in advance  
8 of the referendum.

9 Section 15200.11. Report, transmission of. The  
10 Convention shall submit to the Governor a proposed Consti-  
11 tution for Guam on or before December 31, 1977 which shall  
12 comply with the requirements set forth in Section 15200.9.

13 Section 15200.12. Convention, employees of. The  
14 Convention shall have the power to employ its own staff  
15 without conformity to the Civil Service system of the  
16 government. It may engage consultants to assist it in its  
17 studies and in the preparation of its report. The Executive  
18 and Judicial branches are authorized to permit employees to  
19 be temporarily assigned to duties with the Convention,  
20 provided, however, the Convention shall reimburse the  
21 appropriate agency the cost of such as employee's service.

22 Section 15200.13. Vacancies, filing of. In the event  
23 a vacancy shall occur among the delegates during the course  
24 of the Convention, the Convention shall formally notify the  
25 Election Commission of this fact. The Election Commission  
26 shall then refer to the results of the April 16 election  
27 and certify as a replacement delegate the person who finished  
28 next highest in the district in which the vacancy occurred.  
29 In the event there was no person finishing lower in the  
30 election results, then the Commissioner of the district in

1 which the vacancy occurred shall nominate three (3)  
2 qualified persons from that district and the Convention shall  
3 by a plurality of the affirmative votes cast elect one  
4 of such persons to fill the vacancy.

5 Section 15200.14. Referendum. The proposed Consti-  
6 tution as so approved or modified by the Congress shall be  
7 submitted to the qualified voters of Guam for acceptance  
8 or rejection through an islandwide referendum to be held  
9 within ninety (90) days after Congress returns the proposed  
10 Constitution on the date the Legislature shall determine  
11 by resolution.

12 Section 15200.15. Rules and Regulations. The Election  
13 Commission shall promulgate the necessary rules and regula-  
14 tions to conduct the referendum and implement its purpose.

15 Upon the approval by not less than a majority of the  
16 voters (counting only the affirmative or negative votes)  
17 participating in such referendum, the Constitution shall  
18 become effective in accordance with its terms."

19 Section 2. The sum of Two Hundred Fifty Thousand Dollars  
20 (\$250,000) is appropriated from any available funds in the  
21 Unappropriated Surplus of the General Fund to the Constitutional  
22 Convention for the operation of the Convention created by this  
23 Act.

24 Section 3. The appropriation made by Section 2 of this Act  
25 shall be administered and authorized to be expended solely by the  
26 Constitutional Convention in accordance with its rules or by-  
27 laws. Notwithstanding any other provision of the law, the  
28 Certifying Officer shall be designated by the President of the  
29 Convention.



1           Section 4. The sum of Seventy-Six Thousand Dollars (\$76,000)  
2 is appropriated from any available funds in the Unappropriated  
3 Surplus of the General Fund to the Election Commission for the  
4 purpose of conducting the election for delegates to the Conven-  
5 tion and for the purpose of conducting the referendum.

6           The Election Commission shall expend no more than Thirty-  
7 Eight Thousand Dollars (\$38,000) of this sum for each of these  
8 tasks.

9           Section 5. Not later than ninety (90) days of the effective  
10 date of this Act, the Governor of Guam, shall transmit a copy of  
11 this Act to the Secretary of State for transmittal to the United  
12 Nations.