

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

31-11-598

June 1, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96932

6/2/11
11:45am
8

Dear Madam Speaker,

Transmitted herewith is Bill No. 54-31 (COR), entitled: "AN ACT TO AMEND §7105 OF CHAPTER 7, AND §16301(a), (d) AND (e) OF ARTICLE 3, CHAPTER 16, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRIMARY ELECTION BALLOT", which I signed into law on May 24, 2011 as **Public Law 31-59**.

Although I have signed this bill into law, I strongly urge *I Mina' Trentai Unu na Liheslaturan Guåhan* to address this legislation's deficiencies. The bill does present an item for concern at Section 3(a), where it states: "The Guam Election Commission shall publish a ballot with the names of all qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all qualified candidates from the Democratic Party on the opposite side." A potential problem arises in the event of any third-party candidates or independent (non-party) candidates who may wish to run for public office and gain access to the ballot.

The U.S. Supreme Court has held that, although citizens are free to associate with one of the two major political parties, to participate in the nomination of their chosen party's candidates for public office and then to cast their ballots in the general election, local governments must also provide feasible means for other political parties and other candidates to appear on an election ballot. The U.S. Supreme Court found an Ohio law that restricted ballot access was so burdensome that it was 'virtually impossible' for other parties to achieve ballot position for their candidates. Because these restrictions, which were challenged under the Equal Protection Clause, severely burdened the right to associate for political purposes and the right to vote effectively, the Court ruled that the discriminations against new parties had to be justified by compelling state interests. The Court recognized a substantial state interest in encouraging compromise and political stability, in attempting to ensure that the election winner will represent a majority of the community, and in providing the electorate with an understandable ballot and inferred that 'reasonable requirements for ballot position' would be acceptable. But these important interests were deemed insufficient to warrant burdens so severe as to confer an effective political monopoly on the two major parties. The Court found the First and Fourteenth Amendments, including the Equal Protection Clause, required as much. [see *Williams v. Rhodes*, 393 U.S. 23, 89 S.Ct. 5 (1968)].

Restrictions upon access of political parties to the ballot impinge upon the rights of individuals to associate for political purposes and the rights of qualified voters to cast their votes effectively, although those rights are not absolute and are necessarily subject to qualification if elections are to be run fairly and effectively. Local governments may condition access to an election ballot by minor party or independent candidates upon a showing of modicum of support among potential voters for office. Local governments have a right to require candidates to make a preliminary showing of substantial support in order to qualify for a place on the ballot. [see *Munro v. Socialist Workers Party*, 479 U.S. 189, 107 S.Ct. 533 (1986)]. Thus it is constitutional to require a minimum number of signatures on a petition before any candidate is allowed to appear on the ballot.

However, the larger concern remains. By restricting the primary ballot to only reflect two, albeit the two most commonly found, political parties, the risk exists that a third-party/minor party candidate or independent candidate would be entitled to launch a legal challenge if not allowed to appear on this binary-choice ballot. Therefore, it is my hope that *I Liheslaturan Guåhan* will focus on this legislation to resolve any potential pitfalls that may impair the integrity and equal opportunity of our electoral process.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 54-31 (COR), "AN ACT TO AMEND §7105 OF CHAPTER 7, AND §16301(a), (d) AND (e) OF ARTICLE 3, CHAPTER 16, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRIMARY ELECTION BALLOT"**, was on the 10th day of May, 2011, duly and regularly passed.

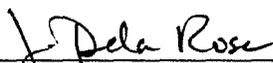


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2011, at
10:30 o'clock A.M.


J. Dela Rose
Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: **MAY 24 2011**

Public Law No. 31-59

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 54-31 (COR)

As substituted by the Committee on Health and Human Services,
Senior Citizens, Economic Development, and Election Reform,
and amended on the Floor.

Introduced by:

Chris M. Dueñas
Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §7105 OF CHAPTER 7, AND
§16301(a), (d) AND (e) OF ARTICLE 3, CHAPTER 16,
ALL OF TITLE 3, GUAM CODE ANNOTATED,
RELATIVE TO THE PRIMARY ELECTION BALLOT.**

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

2 **Section 1. Legislative Statement and Intent.** It is the intent of *I*
3 *Liheslatura* to encourage voters of Guam to exercise their right in a manner that
4 minimizes the spoiling of their cast ballots. To this end, *I Liheslatura* proposes to
5 change the Primary Election ballot so that all candidates from one (1) recognized

1 political party are listed on one (1) side of the ballot, with all candidates from the
2 other recognized political party listed on the opposite side.

3 **Section 2.** §7105 of Chapter 7 of Title 3, Guam Code Annotated, is
4 *amended* to read:

5 “§7105. **Order of Names on Ballot - Legislature.** The
6 Commission *shall* prepare the ballot in such a manner that a nominee’s name
7 *shall* appear under the name of the political party, if any, sponsoring such
8 nominee.

9 In all elections, the names of all nominees or candidates for a specific
10 office *shall* be listed in a random manner. Each contestant for any office
11 under a party or independent designation *shall* be listed according to lot
12 drawn by the Election Commission. All drawings for ballot position *shall*
13 be done publicly and persons appearing on the ballot *shall* be specifically
14 invited to attend. The drawings for ballot placement *shall* be accomplished
15 as soon as is reasonably possible after the identity of the persons to appear
16 on the ballot is known to the Election Commission.

17 The names of the nominees *shall* appear in columns vertically in such
18 order as is determined by lot. The names of all nominees holding the office
19 for which they are seeking election *shall* have the word **INCUMBENT**
20 printed immediately after them.”

21 **Section 3.** §16301(a) of Article 3 of Chapter 16, Title 3, Guam Code
22 Annotated, is *amended* to read:

23 “(a) All candidates for all offices to be contested in the forthcoming
24 General Election *shall* appear on a Primary Ballot to be voted upon by voters
25 in each voting district. A voting district is each district within Guam as
26 defined in 1 GCA § 403, *unless* otherwise provided in this Title. The Guam
27 Election Commission *shall* publish a ballot with the names of all qualified

1 candidates from the Republican Party on one (1) side of the ballot, and the
2 names of all qualified candidates from the Democratic Party on the opposite
3 side. This ballot format *shall* be used to limit voters to casting votes in only
4 one (1) party for all offices in that Primary Election;”

5 **Section 4.** §16301(d) of Article 3 of Chapter 16, Title 3, Guam Code
6 Annotated, is *amended* to read:

7 “(d) There *shall* appear specific instructions in boldface type on
8 each ballot that a voter may cast votes for candidates appearing on that
9 ballot for one (1) party *only*; that if votes are cast for candidates of more
10 than one (1) party for any office or nomination of offices appearing on the
11 ballot, the entire ballot *shall* be void. The instructions on the ballot *shall*
12 clearly indicate that voters are allowed to cast votes in only one (1) party for
13 all offices in that Primary Election, and *shall not* cast votes on more than
14 one (1) side of the ballot. Any ballot wherein votes are cast for more than
15 one (1) party for all offices in that Primary Election shall be void;”

16 **Section 5.** §16301(e) of Article 3 of Chapter 16, Title 3, Guam Code
17 Annotated, is *amended* to read:

18 “(e) The ballot for each office for which party nominations are
19 sought *shall* contain instructions to the voters as to the maximum number of
20 candidates that may be selected for that office; that party's candidates for
21 nomination for each office *shall* be listed on the ballot in random order in a
22 manner similar to that established for General Election Ballot listing and
23 placement;”

24 **Section 6. Effective Date.** This Act *shall* be effective upon enactment
25 into law.

16

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: May 10, 2011

VOTING SHEET

SBill No. 54-31(COR)

Resolution No. _____

Question: _____

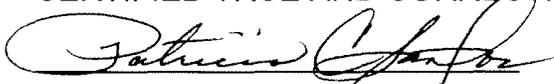
<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera ^{II}		✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T. ^{III}		*✓			
YAMASHITA, Aline A.	✓				

TOTAL

13

2

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

February 16, 2011

Honorable Judith T. Won Pat
Speaker

I Mina'Trentai Una na Liheslaturan Guåhan

155 Hesler Place

Hagatña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report - Bill No. 54-31 (COR), as Substituted.

2011 FEB 16 AM 11:58

Dear Speaker Won Pat:

Transmitted herewith is the **Committee Report** on Transmitted herewith for your consideration is the Committee Report on **Substitute Bill No. 54-31; "An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act"**; sponsored by Christopher Duenas and Dennis G. Rodriguez, Jr., and referred to the Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform. Bill No. 54-31 (COR) was publicly heard on February 16, 2011.

Committee votes are as follows:

 9 **TO PASS**
 NOT TO PASS
 ABSTAIN
 1 **TO REPORT OUT ONLY**
 TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR DENNIS G. RODRIGUEZ, JR.

Attachment

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION**

2011 JAN 27 AM 11:29

Bill No. ~~54-31 (LS)~~ ^{54-31 (con)}

Introduced by:

C. Duenas *sf*
D. G. Rodriguez, Jr. *oz*

An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; to mandate the separation of local and federal elective offices; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement and Intent. The Guam Election Commission has ascertained that a number of ballots cast in the 2010 Primary Election were spoiled as a result of cross-over votes being cast for a Republican Gubernatorial team and for the Democrat candidate for the office of Washington Delegate. It is the intent of *I Liheslatura* to encourage voters of Guam to exercise their right in a manner that minimizes the spoiling of their cast ballots. To this end, *I Liheslatura* proposes to change the Primary Election ballot so that all candidates from one (1) recognized political party are listed on one side of the ballot, with all candidates from the other recognized political party listed on the opposite side. It is also the intent of *I Liheslaturan Guåhan* that the ballot for all federal elective offices shall be separate from the ballot for all local elective offices.

Section 2. §7105 of Title 3, Guam Code Annotated is amended to read:

“§ 7105. Order of Names on Ballot - Legislature. The Commission shall prepare the ballot in such a manner that a nominee's name shall appear under the name of the political party, if any, sponsoring such nominee.



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT

ON

BILL NO. 54-31 (COR), as Substituted

Sponsored by Christopher Duenas and Dennis G. Rodriguez, Jr.

“An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act.”



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

March 15, 2011

MEMORANDUM

To: ALL MEMBERS

Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform.

From: SENATOR DENNIS G. RODRIGUEZ, JR. 
Committee Chairperson

Subject: Committee Report on Bill No. 54-31 (COR), as Substituted.

Transmitted herewith for your consideration is the **Committee Report on BILL NO. 54-31 (COR) as SUBSTITUTED; "An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act";** sponsored by Christopher M. Duenas and Dennis G. Rodriguez, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Copy of Bill No. 54-31 (COR), as Substituted
- Copy of Bill No.54-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 54-31 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Attachment



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE VOTING SHEET

BILL NO. 54-31 (COR), as Substituted

"An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act"; sponsored by Christopher Duenas and Dennis G. Rodriguez, Jr.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, JR. Chairman		✓ 3/15/11				
ADOLPHO B. PALACIOS, SR. Vice Chairman		3/16 ✓				
JUDITH T. WON PAT, Ed.D. Speaker						
BENJAMIN J.F. CRUZ Vice Speaker						
TINA ROSE MUÑA BARNES Legislative Secretary		✓				
THOMAS C. ADA		3/16/11				
JUDITH P. GUTHERTZ, DPA						
VICENTE C. PANGELINAN				✓		
RORY J. RESPICIO						
V. ANTHONY ADA		3/16				
FRANK F. BLAS, JR.						
CHRISTOPHER M. DUENAS		3/16 ✓				
SAM MABINI, Ph.D.		3/16/11 ✓				
MANA SILVA TAJERON		3/16/11				
ALINE A. YAMASHITA, Ph.D.		3/16 ✓				



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT DIGEST

Bill No. 54-31 (COR), as Substituted

I. OVERVIEW: The Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform conducted a public hearing on January 28, 2011. The Hearing convened at 09:00 A.M. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 54-31; "An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act"**; sponsored by Christopher M. Duenas and Dennis G. Rodriguez, Jr.

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on January 20, 2011 (5-Day Notice), and again on January 25, 2011 (48-Hour Notice). Notice was published *on-line* in the Pacific Daily News on January 21, 2011.

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice-Chairperson
Senator Thomas C. Ada	Committee Member
Senator Rory J. Respicio	Committee Member
Senator Christopher M. Duenas	Committee Member
Senator Anthony Ada	Committee Member
Senator Frank F. Blas, Jr.	Committee Member

The public hearing on agenda item Bill No. 54-31 (COR) was Called-to-Order at 09:03 A.M.

II. SUMMARY OF TESTIMONY & DISCUSSION.

CHAIRMAN DENNIS G. RODRIGUEZ, JR., convened the Public Hearing on Bill No. 54-31 (COR). Invited Senator Christopher Duenas, author of Bill No. 54-31 (COR), to explain the intent of the bill.

Senator Chris Duenas: Thank you very much Mr. Chairman. This maybe the first time that I defend the bill as testimony had already been given in my introduction. First of all I d like to thank you for your timeliness in conducting this public hearing. Obviously these two bills have a similarity in terms of their recognition, in not only the general but also the primary. A large number of spoiled ballots and the discrepancies and the election process itself. So this Bill-54-31, basically, tries to do 3 things to correct that process; 1) to separate the congressional ballot from the other offices as a stand alone ballot, and conduct the other elections on the primary ballot; 2) ensure that during the primary, that both the parties are placed at the opposite sides of the ballot so that its very simple the instructions. The election designated employee to give simple instructions to vote on one side of the ballots. The 3) is related but probably more to the general, of course a primary election as well, and that is to codify and help the election commission that it is placed in law that they conform to oversee citizens absentee act, commonly know as the "Move Act-Military and Overseas Empowerment." And that was a strong point of contention in the general election than the primary. And so but I believe that it will allow for the concurrence going into the general. So it's pretty basic and pretty straightforward. In anticipation of some of the issues that Uncle Larry has brought up there is an opportunity in the mark up meetings to recommend this bill, should the separation of the ballots not be proper because of the potential of having not voted strictly along party lines because of the fact that there is a provision to have a 2 sided ballot. The ballot will be less busy and have more room and accommodate to conduct this. We can still have the congressional ballot but we can still have it on one side. So you can still have the congressional race, but if it is 2-sided it is a lot less tempting for those who want to vote in the congressional race and also want to participate and vote for another individual but also want to vote for another party perhaps senatorial and mayoral so that ca be amended. I want to complete the opening by agreeing with what they discussed while understanding the terms of the party elections that should be conducted by the parties. But with the understanding and having research the election commission, every time before an election is to be conducted. Issues their letter to the parties, the parties respond and they continue to respond that a primary election shall be conducted by the GEC. And it will be up the parties to respond to the election indicate THEY will take the responsibility of conducting their primary and placing their nominations before the GEC and before the regularly scheduled general election. So, with that Mr. Char, I would like to thank you for the opportunity to introduce this bill and I will defer to you at this time.

Chairman: Thank you very much Senator Duenas. Mr. Carbullido is you going to testify first? And we can come back.

Carbullido: No I'm not going to testify.

Chairman: Thank you very much. Mr. Ramirez?

Ramirez: As you might know Congress still passes a lot of laws. The law mandated that after 15 days after the election, if the candidate does not receive 50+1 votes then a runoff should occur to see who be the next candidate.

Chairman: Thank you Mr. Ramirez. Are there any other members who wish to speak on this bill? No? Ok? Just like the first bill we'll have a mark up of this and have the GEC have a look at this. The committee will now conclude the hearing on Bill 54-31, and accordingly Bill 54 has been heard. The committee will continue to receive testimony for the next few days. Submit testimony to the Committee on Health and Human Service, Economic Development, Senior Citizens and Election Reform and submit it via email at senatorrodriguez@gmail.com, or at my office at 176 Sirenu Ave., Guam or here at the legislative building at 155 Hesler Place, Hagatna Guam. Thank you.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been duly heard, and concluded the public hearing on Bill No. 54-31 (COR).

Fiscal Note: Requested February 10, 2011 (attached), and was received on February 28, 2011 (attached).

III. FINDINGS & RECOMMENDATIONS

Based upon information obtained, as well as recommendations received during the public hearing, Bill No. 54-31 (COR) has been amended by the Committee.

The Committee on, Health & Human Services, Economic Development, Senior Citizens, and Election Reform, hereby **reports out Bill No. 54-31 (COR), as Substituted**, with the recommendation to **PASS**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

**Bill No. 54-31 (COR), As Substituted
by the Committee on Health and Human
Services, Senior Citizens, Economic
Development, and Election Reform.**

Introduced by:

**C. Duenas
D. G. Rodriguez, Jr.**

An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement and Intent. It is the intent of *I Liheslatura* to encourage voters of Guam to exercise their right in a manner that minimizes the spoiling of their cast ballots. To this end, *I Liheslatura* proposes to change the Primary Election ballot so that all candidates from one (1) recognized political party are listed on one side of the ballot, with all candidates from the other recognized political party listed on the opposite side.

Section 2. §7105 of Title 3, Guam Code Annotated is amended to read:

“§ 7105. Order of Names on Ballot - Legislature. The Commission shall prepare the ballot in such a manner that a nominee's name shall appear under the name of the political party, if any,

1 sponsoring such nominee.

2 In all elections, the names of all nominees or candidates for a specific office
3 shall be listed in a random manner. Each contestant for any office under a party or
4 independent designation shall be listed according to lot drawn by the Election
5 Commission. All drawings for ballot position shall be done publicly and persons
6 appearing on the ballot shall be specifically invited to attend. The drawings for ballot
7 placement shall be accomplished as soon as is reasonably possible after the identity of
8 the persons to appear on the ballot is known to the Election Commission.

9 The names of the nominees shall appear in columns vertically in such order as
10 is determined by lot. The names of all nominees holding the office for which they are
11 seeking election shall have the word **INCUMBENT** printed immediately after them.”

12 **Section 3. §16301(a) of Title 3, Guam Code Annotate, is amended to read:**

13 “(a) All candidates for all offices to be contested in the forthcoming General
14 Election shall appear on a Primary Ballot to be voted upon by voters in each voting
15 district. A voting district is each district within Guam as defined in 1 GCA § 403,
16 unless otherwise provided in this Title. The Guam Election Commission shall publish
17 a ballot with the names of all qualified candidates from the Republican Party on one
18 (1) side of the ballot, and the names of all qualified candidates from the Democratic
19 Party on the opposite side. This ballot format shall be used to limit voters to casting
20 votes in only one party for all offices in that Primary Election.”

21 **Section 4. §16301(d) of Title 3, Guam Code Annotated, is amended to**
22 **read:**

23 “(d) There shall appear specific instructions in boldface type on each ballot that
24 a voter may cast votes for candidates appearing on that ballot for one (1) party only;
25 that if votes are cast for candidates of more than one (1) party for any office or

1 nomination of offices appearing on the ballot, the entire ballot shall be void. The
2 instructions on the ballot shall clearly indicate that voters are allowed to cast votes in
3 only one (1) party for all offices in that Primary Election, and shall not cast votes on
4 more than one (1) side of the ballot. Any ballot wherein votes are cast for more than
5 one (1) party for all offices in that Primary Election shall be void;”

6 **Section 5. §16301(e) of Title 3, Guam Code Annotated, is amended to**
7 **read:**

8 “(e) The ballot for each office for which party nominations are sought shall
9 contain instructions to the voters as to the maximum number of candidates that may be
10 selected for that office; that party's candidates for nomination for each office shall be
11 listed on the ballot in random order in a manner similar to that established for General
12 Election Ballot listing and placement;”

13 **Section 6. Uniform and Overseas Citizens Absentee Voting Act**
14 **(UOCAVA), as amended by the Military and Overseas Voter Empowerment**
15 **(MOVE) Act.** The Guam Election Commission shall adopt the same policy and
16 procedures as embodied in the Uniform and Overseas Citizens Absentee Voting Act
17 (UOCAVA), as amended, relative to the timelines for the issuance, receipt, and
18 tabulation of all absentee ballots issued for each local elective office as it would
19 follow for any federal elective office.

20 **Section 7. Effective Date.** This Act shall be effective upon enactment into
21 law.

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) REGULAR SESSION**

2011 JAN 27 AM 11:29

Bill No. 54-31 (con)
~~31 (LS)~~

Introduced by:

C. Duenas *[Signature]*
D. G. Rodriguez, Jr. *[Signature]*

An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; to mandate the separation of local and federal elective offices; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement and Intent. The Guam Election Commission has ascertained that a number of ballots cast in the 2010 Primary Election were spoiled as a result of cross-over votes being cast for a Republican Gubernatorial team and for the Democrat candidate for the office of Washington Delegate. It is the intent of *I Liheslatura* to encourage voters of Guam to exercise their right in a manner that minimizes the spoiling of their cast ballots. To this end, *I Liheslatura* proposes to change the Primary Election ballot so that all candidates from one (1) recognized political party are listed on one side of the ballot, with all candidates from the other recognized political party listed on the opposite side. It is also the intent of *I Liheslaturan Guáhan* that the ballot for all federal elective offices shall be separate from the ballot for all local elective offices.

Section 2. §7105 of Title 3, Guam Code Annotated is amended to read:

“§ 7105. Order of Names on Ballot - Legislature. The Commission shall prepare the ballot in such a manner that a nominee's name shall appear under the name of the political party, if any, sponsoring such nominee.

1 In all elections, the names of all nominees or candidates for a specific office shall be listed in
2 a random manner. Each contestant for any office under a party or independent designation shall be
3 listed according to lot drawn by the Election Commission. All drawings for ballot position shall be
4 done publicly and persons appearing on the ballot shall be specifically invited to attend. The
5 drawings for ballot placement shall be accomplished as soon as is reasonably possible after the
6 identity of the persons to appear on the ballot is known to the Election Commission.

7 The names of the nominees shall appear in columns vertically in such order as is determined
8 by lot. ~~[Columns for recognized political parties shall be listed on the basis of the number of~~
9 ~~nominees elected to the Legislature at the last preceding regular general election in descending order~~
10 ~~from left to right; last shall appear the names of those nominees not sponsored by any political party,~~
11 ~~which shall appear under the designation "Independent".]~~ The names of all nominees holding the
12 office for which they are seeking election shall have the word **INCUMBENT** printed immediately
13 after them.”

14 **Section 3. §16301(a) of Title 3, Guam Code Annotate, is amended to read:**

15 “(a) All candidates for all offices to be contested in the forthcoming General Election shall
16 appear on a Primary Ballot to be voted upon by voters in each voting district. A voting district is
17 each district within Guam as defined in 1 GCA § 403, unless otherwise provided in this Title. The
18 Guam Election Commission shall ~~[determine a method]~~ publish a ballot with the names of all
19 qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all
20 qualified candidates from the Democratic Party on the opposite side. This ballot format shall be used
21 [that] to limit[s] voters to casting votes in only one party for all offices in that Primary Election. The
22 ballot for each federal elective office shall be separate from the ballot for each local elective office;”

23 **Section 4. §16301(d) of Title 3, Guam Code Annotated, is amended to read:**

24 “(d) There shall appear specific instructions in boldface type on each ballot that a voter may
25 cast votes for candidates appearing on that ballot for one (1) party only; that if votes are cast for
26 candidates of more than one (1) party for any office or nomination of offices appearing on the ballot,
27 the entire ballot shall be void. The instructions on the ballot shall clearly indicate that voters are
28 allowed to cast votes in only one (1) party for all offices in that Primary Election, and shall not cast
29 votes on more than one (1) side of the ballot. Any ballot wherein votes are cast for more than one (1)
30 party for all offices in that Primary Election shall be void;”

31 **Section 5. §16301(e) of Title 3, Guam Code Annotated, is amended to read:**

1 ~~“(e) [The order in which a party shall appear on the ballot shall be determined publicly by the~~
2 ~~Guam Election Commission; each concerned party shall be given reasonable notice of the time and~~
3 ~~place of the drawing and shall be invited to attend;]~~

4 The ballot for each office for which party nominations are sought shall contain instructions to
5 the voters as to the maximum number of candidates that may be selected for that office; that party's
6 candidates for nomination for each office shall be listed on the ballot in random order in a manner
7 similar to that established for General Election Ballot listing and placement;”

8 **Section 6. Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as**
9 **amended by the Military and Overseas Voter Empowerment (MOVE) Act.** The Guam Election
10 Commission shall adopt the same policy and procedures as embodied in the Uniform and Overseas
11 Citizens Absentee Voting Act (UOCAVA), as amended, relative to the timelines for the issuance,
12 receipt, and tabulation of all absentee ballots issued for each local elective office as it would follow
13 for any federal elective office.

14 **Section 7. Effective Date.** This Act shall be effective upon enactment into law.



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

201 FEB 25 AM 9:29
epm

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 24, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat C. Santos
Clerk of the Legislature

MAJORITY MEMBERS:

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Speaker
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill Nos.:	28-31 (COR)	63-31 (COR)
	54-31 (COR)	67-31 (COR)
	56-31 (COR)	75-31 (COR)
	59-31 (COR)	
	60-31 (COR)	
	61-31 (COR)	
	62-31 (COR)	

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

BENITA A. MANGLONA
DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

FEB 24 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hester Place
Hagåtña, Guam 96910

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: **28-31(COR), 54-31(COR), 60-31(COR), 61-31(COR), 62-31(COR), 63-31(COR), 67-31(COR) and 75-31(COR),**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

Handwritten signature of Benita A. Manglona in cursive script.
BENITA A. MANGLONA
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 54-31

AN ACT TO AMEND §7105, §16301(a), §16301, §16301(d) AND §16301(e) OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRIMARY ELECTION BALLOT; TO MANDATE THE SEPARATION OF LOCAL AND FEDERAL ELECTIVE OFFICES; AND, TO MANDATE THE GUAM ELECTION COMMISSION ADOPT THE SAME POLICY AND PROCEDURES FOR LOCAL OFFICE ABSENTEE BALLOTS AS REQUIRED UNDER UNIFORM AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA), AS AMENDED BY THE MILITARY AND OVERSEAS VOTER EMPOWERMENT (MOVE) ACT.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: Stephanie Chargualaf, Exec. Director
Department's General Fund (GF) appropriation(s) to date:	1,155,388
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$1,155,388

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
 If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
 If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
 If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
 Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
 /X/ Requested agency comments not received by due date / / Other: _____

Analyst: Dina P. Rivera Date: 2/24/11 Director: Benita A. Mangiona Date: 2/22/11
 Dina P. Rivera Benita A. Mangiona, Acting Director

Footnotes:
 The Bill has a potential for additional funding impact. However, in its present form, that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guchertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY
MEMBERS:

Speaker
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Vice Speaker
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Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

January 28, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 54-31 (COR) through 56-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 54-31 (COR) through 56-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(3) Attachments

2011 JAN 21 PM 3:08

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

January 27, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
54-31 (COR)	C. Duenas, D.G. Rodriguez, Jr.	An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; to mandate the separation of local and federal elective offices; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act..	1/27/11 11:29 a.m.	1/28/11		Committee on Health & Human Services Senior Citizens, Economic Development and Election Reform			

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
(FIRST AND SECOND) Regular Sessions
FINAL LEGISLATIVE HISTORY
January 2011 - December 2012

BILLS

2011 (FIRST) Regular Session

Bill No. 54-31 (COR) – by C. M. Duenas, D. G. Rodriguez, Jr.

AN ACT TO AMEND §7105, §16301(A), §16301(D) AND §16301(E) OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRIMARY ELECTION BALLOT; TO MANDATE THE SEPARATION OF LOCAL AND FEDERAL ELECTIVE OFFICES; AND, TO MANDATE THE GUAM ELECTION COMMISSION ADOPT THE SAME POLICY AND PROCEDURES FOR LOCAL OFFICE ABSENTEE BALLOTS AS REQUIRED UNDER THE UNIFORM AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA), AS AMENDED BY THE MILITARY AND OVERSEAS VOTER EMPOWERMENT (MOVE) ACT.

01/27/11 - Read first time. Referred to the Committee on Rules.

01/28/11 - Referred to the Committee on Health and Human Services, Senior Citizens, Economic Development, and Election Reform.

02/16/11 - Public hearing scheduled by the Committee on Health and Human Services, Senior Citizens, Economic Development, and Election Reform.

for Senators
1st Notice

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

maryfejeran@gmail.com>

1 message

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Wed, Feb 9, 2011 at 5:25 PM

To: "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, ben c pangelinan <senbenp@guam.net>, "Benjamin J. Cruz" <senadotbjcruz@aol.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Judith P Guthertz <judiguthertz@gmail.com>, Judith T Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Rory J Respicio <roryforguam@gmail.com>, Sam Mabini <senatorsam@senatormabini.com>, Therese Terlaje <tterlaje@guam.net>, "Thomas C. Ada" <office@senatorada.org>, Tina Rose Muna Barnes <tinamunabarnes@gmail.com>, Senator Tom Ada <tom@senatorada.org>, Tom Unsiog <tunsiog@guamlegislature.org>, V Anthony Ada <senatortonyada@guamlegislature.org>, Vince Arriola <vparriola@teleguam.net>, Yong <yong@guamlegislature.org>

February 9, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE of Public Hearing scheduled for Wednesday, February 16, 2011.

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform has scheduled a Confirmation and Public Hearing on Wednesday, February 16, 2011, 9am, at *I Liheslaturan Guåhan*'s Public Hearing Room in Hagåtña, on the following:

9:00am

- The Executive Appointment of **Ms. Ramona Jones** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- The Executive Appointment of **Mr. Edward J. Calvo** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- **Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY."** (*Introduced by R.J. Respicio*)
- **Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as**

amended by the Military and Overseas Voter Empowerment(Move)act. *(Introduced by C. Duenas)*

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Serenu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to . Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan's* website at . Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

- cc: -Clerk of the Legislature -Legislative Legal Counsel
- Executive Director -MIS
- Sergeant-At-Arms/Protocol

-
 176 Serenu Avenue Suite 107, Tamuning, Guam
 155 Hesler Place, Hagåtña, Guam
 649-8638
 649-8638
 649-8638
 649-8638

PRESS
1st Notice
for 2/16/11 hearing

Clifton Herbert
to
bccaction@weareguahan.com,
admin@weareguahan.com,
chrisu@marianasmedia.com,
clynt@spbguam.com,
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Ronnie Perez <marketing@hitradio100.com>,
Telo Taitague <telo.taitague@guam.gov>,
William Gibson <breakfastshowk57@gmail.com>,
Laura Matthews <llmatthews@guampdn.com>,
"Dennis Rodriguez Jr." <senatordrodriguez@gmail.com>,
Joseph Mesngon <jmesngon.senatordrodriguez@gmail.com>

dateWed, Feb 9, 2011 at 2:10 PM

subject1st Notice Public Hearing

mailed-bygmail.com

hide details 2:10 PM (1 hour ago)

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

Wednesday, February 16, 2011 9:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting Confirmations as well as a Public Hearing on Wednesday, February 16, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

9:00 am

- The Executive Appointment of Ms. Ramona L.E. Jones to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. Edward J. Calvo to serve as a Member of the Guam Economic Development Authority Board.
- Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY." (Introduced by R.J. Respicio)- Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(Move)act. (Introduced by C. Duenas)

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via-hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to

except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

Public Hearing Feb 16,2011.pdf

959K [View](#) [Download](#)

senatordrodriguez@gmail.com. In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert or Joe Mesngon at 649-8638 (TODU). We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

Un Dangkolo Na Si Yuos Ma'ase!

Senseramente,

Dennis G. Rodriguez, JR.

Senator, I Mina'trentai Una Liheslaturan Guåhan

###

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed

*2nd notice PRESS
for 2/16/11 hearing.*

from Clifton Herbert <cherbert.senatordrodriguez@gmail.com>
to "Dennis Rodriguez Jr." <senatordrodriguez@gmail.com>

bcc

action@weareguahan.com,
admin@weareguahan.com,
chrisu@marianasmedia.com,
clynt@spbguam.com,
dcrisostomo@guampdn.com,
dmgeorge@guampdn.com,
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Jesse Lujan <jesselujan27@yahoo.com>,
Lannie Walker <lannie@kuam.com>,
Laura Matthews <llmatthews@guampdn.com>,
Pacific Daily News <news@guampdn.com>,
Ronnie Perez <marketing@hitradio100.com>,
Telo Taitague <telo.taitague@guam.gov>,
William Gibson <breakfastshowk57@gmail.com>,
Joseph Mesngon <jmesngon.senatordrodriguez@gmail.com>

date Sun, Feb 13, 2011 at 3:08 PM
subject 2nd Notice Public Hearing Feb 16, 2011
mailed-by gmail.com

hide details 3:08 PM (16 hours ago)

Please publish this in your paper or online. Thank You!

Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Wednesday, February 16, 2011 9:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting Confirmations as well as a Public Hearing on Wednesday, February 16, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

9:00 am

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- The Executive Appointment of Mr. Edward J. Calvo to serve as a Member of the Guam Economic Development Authority Board.
- Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY." (Introduced by R.J. Respicio)
- Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(Move) act. (Introduced by C. Duenas)

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via-hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com. In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert or Joe Mesngon at 649-8638 (TODU). We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

Un Dangkolo Na Si Yuos Ma'ase!

Senseramente,

Dennis G. Rodriguez, JR.

Senator, I Mina'trentai Una Liheslaturan Guåhan

###

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatorrodriguez@gmail.com

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PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Wednesday, February 16, 2011 9:00AM
PUBLIC HEARING AGENDA

Public Hearing Room, / *Liheslaturan Guåhan*, Hagatña, Guam

- I. Call to Order
- II. Announcements
- III. Items for Public Consideration

9:00AM

- The Executive Appointment of **Ms. Ramona L.E. Jones** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- The Executive Appointment of **Mr. Edward J. Calvo** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- **Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 “EARLY VOTING SERVICE TO THE COMMUNITY.”** (*Introduced by R.J. Respicio*)
- **Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(Move) act.** (*Introduced by C. Duenas*)
- IV. Announcements
- V. Adjournment

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96910, or via email to . In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert or Joe Mesngon at 649-8638 (TODU). We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

###

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

SECOND NOTICE OF PUBLIC HEARING for WED. FEB. 16, 2011 at 9am

2 messages

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Mon, Feb 14, 2011 at 10:35 AM

To: "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, ben c pangelinan <senbenp@guam.net>, "Benjamin J. Cruz" <senadotbjcruz@aol.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, Ed Leon Guerrero <edleonguerrero@gmail.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Judith P Guthertz <judiguthertz@gmail.com>, Judith T Won Pat <speaker@judiwonpat.com>, Lauriel Manibusan <laurielisla@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mana Silva Taijeron <senatormana@gmail.com>, Mary Fejeran <maryfejeran@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Rory J Respicio <roryforguam@gmail.com>, Sam Mabini <senatorsam@senatormabini.com>, Therese Terlaje <terlaje@guam.net>, "Thomas C. Ada" <office@senatorada.org>, Tina Rose Muna Bames <tinamunabames@gmail.com>, Senator Tom Ada <tom@senatorada.org>, Tom Unsiog <tunsiog@guamlegislature.org>, V Anthony Ada <senatortonyada@guamlegislature.org>, Vince Arriola <vparriola@teleguam.net>, Yong <yong@guamlegislature.org>

February 14, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE of Public Hearing scheduled for Wednesday, February 16, 2011.

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform has scheduled a Confirmation and Public Hearing on Wednesday, February 16, 2011, 9am, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00am

- The Executive Appointment of **Ms. Ramona Jones** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- The Executive Appointment of **Mr. Edward J. Calvo** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- **Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY."** (*Introduced by R.J. Respicio*)
- **Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to**

mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(MOVE) act. *(Introduced by C. Duenas)*

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Serenu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to senator@senator.gov.gu. Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan*'s website at www.legis.gov.gu. Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

cc: -Clerk of the Legislature -Legislative Legal Counsel
 -Executive Director -MIS
 -Sergeant-At-Arms/Protocol

Senator Dennis G. Rodriguez, Jr.
 UOCAVA, Military and Overseas Citizens
 Voting Act
 176 Serenu Avenue Suite 107,
 Tamuning, Guam
 67131/671318

noreply@boxbe.com <noreply@boxbe.com>
 Reply-To: maryfejeran@gmail.com
 To: "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>

Mon, Feb 14, 2011 at 10:35 AM

Hello Dennis Rodriguez, Jr.,

Your message about "SECOND NOTICE OF PUBLIC HEARING for WED. FEB. 16, 2011 at 9am" was waitlisted.

Please add yourself to my Guest List so your messages will be delivered to my Inbox. Use the link below.

Thank you,
 Mary Fejeran

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NEWS UPDATE: Confirmation hearing: Jones and Calvo appointments to GEDA

February 14, 2011

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform are holding confirmation hearings for Ramona Jones and Edward J. Calvo to serve on the Guam Economic Development Authority Board on Feb. 16.

The hearings will be held at the Liheslaturan Guáhan's Public Hearing Room in Hagåtña:

9 a.m.

· The Executive Appointment of Ms. Ramona L.E. Jones to serve as a Member of the Guam Economic Development Authority Board.

· The Executive Appointment of Mr. Edward J. Calvo to serve as a Member of the Guam Economic Development Authority Board.

There will also be a public hearing on Bill 50-31, which would mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(Move) act. (Introduced by C. Duenas)

Testimony should be addressed to Senator Dennis Rodriguez, Jr. For more information, call 649-8638.

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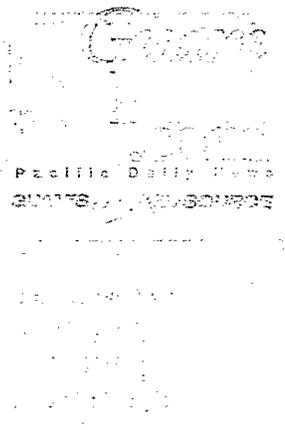
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A	7.4%
B	3.7%
C	17.5%
D	14.7%
F	56.6%

Total Votes: 136
As of 8:15 p.m., Feb. 6

see public hearing

Pacific Sunday News

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will hold a public hearing Friday at the Guam Legislature's public hearing room. Testimony on the following bills will be heard:

△ Bill 46, which would require all elected members of the Education Board to be citizens of the United States;

△ Bill 47, which would change the date of Senior Citizens Day from the third Wednesday of May to a date in May specified by the speaker of the Guam Legislature;

△ Bill 55, which would authorize Guam Memorial Hospital Authority to solicit and contract, in whole or in part, for the management and operation of vendor services relative to cafeteria, snack bar, restaurant, and/or other food service activities;

△ Bill 51, which would prohibit the abortion of fetuses more than 20 weeks of age, with exceptions for the health of the mother; and

△ Bill 52, known as the "The Woman's Reproductive Health Information Act of 2011," which would require a woman's "informed consent" before an abortion, including information about the anatomical and physiological characteristics of the fetus.

Testimony may be submitted via hand delivery to 176 Sereno Avenue, Suite 107, Tamuning, Guam 96931 or at the main Legislature building at 155 Hesler Place, Hagåtña, Guam 96910, or via e-mail to senator@driguez@gmail.com.



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,

ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

PUBLIC HEARING AGENDA

Wednesday, February 16, 2011

9am

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- III. Items for Public Consideration

9:00am

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1 In all elections, the names of all nominees or candidates for a specific office shall be listed in
2 a random manner. Each contestant for any office under a party or independent designation shall be
3 listed according to lot drawn by the Election Commission. All drawings for ballot position shall be
4 done publicly and persons appearing on the ballot shall be specifically invited to attend. The
5 drawings for ballot placement shall be accomplished as soon as is reasonably possible after the
6 identity of the persons to appear on the ballot is known to the Election Commission.

7 The names of the nominees shall appear in columns vertically in such order as is determined
8 by lot. [~~Columns for recognized political parties shall be listed on the basis of the number of~~
9 ~~nominees elected to the Legislature at the last preceding regular general election in descending order~~
10 ~~from left to right; last shall appear the names of those nominees not sponsored by any political party,~~
11 ~~which shall appear under the designation "Independent".] The names of all nominees holding the
12 office for which they are seeking election shall have the word **INCUMBENT** printed immediately
13 after them.”~~

14 **Section 3. §16301(a) of Title 3, Guam Code Annotate, is amended to read:**

15 “(a) All candidates for all offices to be contested in the forthcoming General Election shall
16 appear on a Primary Ballot to be voted upon by voters in each voting district. A voting district is
17 each district within Guam as defined in 1 GCA § 403, unless otherwise provided in this Title. The
18 Guam Election Commission shall [~~determine a method~~] publish a ballot with the names of all
19 qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all
20 qualified candidates from the Democratic Party on the opposite side. This ballot format shall be used
21 [that] to limit[s] voters to casting votes in only one party for all offices in that Primary Election. The
22 ballot for each federal elective office shall be separate from the ballot for each local elective office;”

23 **Section 4. §16301(d) of Title 3, Guam Code Annotated, is amended to read:**

24 “(d) There shall appear specific instructions in boldface type on each ballot that a voter may
25 cast votes for candidates appearing on that ballot for one (1) party only; that if votes are cast for
26 candidates of more than one (1) party for any office or nomination of offices appearing on the ballot,
27 the entire ballot shall be void. The instructions on the ballot shall clearly indicate that voters are
28 allowed to cast votes in only one (1) party for all offices in that Primary Election, and shall not cast
29 votes on more than one (1) side of the ballot. Any ballot wherein votes are cast for more than one (1)
30 party for all offices in that Primary Election shall be void;”

31 **Section 5. §16301(e) of Title 3, Guam Code Annotated, is amended to read:**

1 ~~“(e) [The order in which a party shall appear on the ballot shall be determined publicly by the~~
2 ~~Guam Election Commission; each concerned party shall be given reasonable notice of the time and~~
3 ~~place of the drawing and shall be invited to attend;]~~

4 The ballot for each office for which party nominations are sought shall contain instructions to
5 the voters as to the maximum number of candidates that may be selected for that office; that party's
6 candidates for nomination for each office shall be listed on the ballot in random order in a manner
7 similar to that established for General Election Ballot listing and placement;”

8 **Section 6. Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as**
9 **amended by the Military and Overseas Voter Empowerment (MOVE) Act.** The Guam Election
10 Commission shall adopt the same policy and procedures as embodied in the Uniform and Overseas
11 Citizens Absentee Voting Act (UOCAVA), as amended, relative to the timelines for the issuance,
12 receipt, and tabulation of all absentee ballots issued for each local elective office as it would follow
13 for any federal elective office.

14 **Section 7. Effective Date.** This Act shall be effective upon enactment into law.