


I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
2005 (FIRST) REGULAR SESSION

Bill No. 82 (EC)

Introduced by:

B.J.F. Cruz 

AN ACT TO STANDARDIZE THE ELECTORAL
PROCESS FOR THE OFFICE OF THE PUBLIC
AUDITOR AND THE OFFICE OF THE ATTORNEY
GENERAL AND TO REQUIRE MAJORITY VOTES
CAST FOR ELECTION FOR SUCH OFFICES

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Intent.** It is the intent of *I Liheslaturan*
3 *Guahan* to standardize the electoral, removal, and vacancy laws for
4 the offices of the Public Auditor and the Attorney General based on
5 the legal requirements contained in the Organic Act of Guam relative
6 to the Office of Governor & Lieutenant Governor, and the Attorney
7 General. It is the further intent of *I Liheslaturan Guahan* that the
8 majority vote requirement for the election of the Governor and
9 Lieutenant Governor of Guam be applied to the elections for the
10 Offices of Public Auditor and Attorney General of Guam.

11 **Section 2. Vacancy of Public Auditor.** Section 1902 of Chapter
12 19, Title 1 of the Guam Code Annotated is hereby amended as
13 follows:

14 “§1902. **Vacancy.** Whenever a vacancy shall occur in the Office

1 of Public Auditor, and when there is more than ~~eight~~ six (86)
2 months remaining in the term of the Public Auditor at the time
3 the vacancy shall occur, the Guam Election Commission shall
4 conduct a special election no more than ninety (90) days after
5 such vacancy has occurred. Such person elected in the special
6 election shall serve the balance of the term, until such time as a
7 new Public Auditor is elected and sworn into office. Should a
8 vacancy in the Office of Public Auditor occur with exactly ~~eight~~
9 six (86) months or less remaining in the balance of the Public
10 Auditor's term, *I Maga'lahaen Guåhan* shall appoint a qualified
11 individual to fill the balance of the term, subject to the advice
12 and consent of *I Liheslaturan Guåhan* and the provisions of §1901
13 of this Chapter."

14 **Section 3. Majority Vote Required for Election of Public**
15 **Auditor.** Section 1903 of Chapter 19, Title 1 of the Guam Code
16 Annotated is hereby amended as follows:

17 **"§1903. Public Auditor Election.** The Public Auditor shall be
18 elected by the voters of Guam in a general election occurring at
19 the same time as the general election for Mayors. The Public
20 Auditor shall be elected by a majority of the votes cast by the
21 people who are qualified to vote by the Guam Election
22 Commission. If no candidate receives a majority of the votes
23 cast, on the fourteenth day thereafter a runoff election shall be
24 held between the candidates for Public Auditor receiving the
25 highest and second highest number of votes cast. The Public

1 Auditor shall serve a term of four (4) years. The Public Auditor
2 is a non-partisan office. No candidate for the position of Public
3 Auditor shall declare a political party affiliation. No candidate
4 for the office of Public Auditor shall seek the endorsement or
5 receive directly or indirectly financial or material support from
6 a political party. Any violation of the aforementioned shall
7 constitute the Guam Election Commission to invalidate the
8 candidacy of the individual for Public Auditor. Candidates for
9 Public Auditor shall be subject to the same campaign and
10 personal financial reporting requirements as applied to
11 candidates for *I Maga'lahaen Guåhan*, as well as all laws
12 pertaining to campaign contributions. No person shall serve
13 more than two (2) consecutive terms as Public Auditor. No
14 nominating petition shall be required of a candidate for Public
15 Auditor. A candidate for the position of Public Auditor shall
16 file candidacy with the Guam Election Commission in the
17 manner similar to a candidate for *I Maga'lahaen Guåhan*, except
18 as is not consistent with this Chapter. There shall be no primary
19 election for the position of Public Auditor. All qualified
20 candidates complying with the provisions of this Chapter shall
21 be placed on the general election ballot. ~~In the general election,~~
22 ~~the candidate receiving the most votes, subject to the~~
23 ~~qualifications established by this Chapter, shall be certified by~~
24 ~~the Guam Election Commission as having won election to the~~
25 ~~position of Public Auditor."~~

1 **Section 4. Majority Vote Required for Election of Attorney**

2 **General.** Section 30101(b) of Chapter 5, Guam Code Annotated.

3 “§30101. (b) The Attorney General shall be elected by a majority
4 of the votes cast by the people who are qualified to vote by the
5 Guam Election Commission. If no candidate receives a majority
6 of the votes cast, on the fourteenth day thereafter a runoff
7 election shall be held between the candidates for Attorney
8 General receiving the highest and second highest number of
9 votes cast. A candidate for the position of Attorney General of
10 Guam shall declare no political party affiliation. Candidates for
11 Attorney General of Guam shall be subject to the same
12 campaign and personal financial reporting requirements as
13 apply to candidates for *I Maga’lahen Guåhan* [the Governor], as
14 well as all laws pertaining to campaign contributions. No
15 nominating petition shall be required of a candidate for
16 Attorney General of Guam. A candidate for the position of
17 Attorney General of Guam shall file candidacy with the Guam
18 Election Commission in the manner similar to a candidate for *I*
19 *Maga’lahen Guåhan* [the Governor], except as is not consistent
20 with this Section. There shall be no Primary Election for the
21 position of Attorney General of Guam. All qualified candidates
22 complying with the provisions of this Section shall be placed on
23 the General Election ballot. ~~In the General Election, the~~
24 ~~candidate receiving the most votes, subject to the qualifications~~
25 ~~established by this Chapter, shall be certified by the Guam~~

1 ~~Election Commission as having won election to the position~~
2 ~~Attorney General.~~ The Attorney General shall be sworn into
3 and take office on the first Monday of the January following the
4 General Election at which the Attorney General was elected
5 and shall remain in office until the election and swearing in of a
6 new Attorney General, unless removed from Office as provided
7 for in this Section. The Attorney General shall:

8 (1) be at least thirty-five (35) years of age;

9 (2) be a citizen of the United States and a resident of
10 Guam;

11 (3) be an active member in good standing of the Guam
12 Bar

13 Association on Guam for at least five (5) years
14 immediately preceding his or her candidacy for Office, or
15 an inactive member of the Guam Bar Association who, in
16 the five (5) years preceding his election as an Attorney
17 General has served as an elected official elected by the
18 people of Guam or as a Public Auditor of Guam, or as a
19 Justice of the Supreme Court of Guam or Judge of the
20 Superior Court of Guam;

21 (4) not have been convicted of a felony; and

22 (5) not have been suspended from the practice of law in
23 any jurisdiction for violation of ethical rules governing
24 the practice of attorneys.”