

MINA'BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Bill No. 325 (LS) / ~~(EC)~~

Introduced by:

Mark Forbes 

AN ACT TO AMEND 3 G.C.A. § 7108(b) RELATIVE TO EXCEPTING WRITE-IN CANDIDATES FROM THE BALLOT FOR THE EDUCATION POLICY BOARD & TO AMEND 17 G.C.A. § 3117 RELATIVE TO FILLING VACANCIES INCLUDING INITIAL VACANCIES OF ELECTED MEMBERS ON THE EDUCATION POLICY BOARD.

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

2 **Section One. Legislative findings.** The Legislature finds:

- 3 1) Elected school boards provide a valuable link between the community and the
4 public schools.
- 5 2) Elected school boards bring government closer to the people and allow the
6 people to decide what will be taught in their schools.
- 7 3) In the last election for the Education Policy Board no candidates turned in
8 nomination papers for several districts.
- 9 4) When it became apparent that no candidates had filed nomination papers for
10 the several districts civic-minded individuals perfected write-in campaigns to
11 fill the seats allocated to those districts.
- 12 5) Because the seats for the several districts were filled in the manner described
13 in 4), above, the holders of those seats did not enjoy a broad popular mandate.

1 6) While representation by elected representatives is preferable, a district from
2 which there are no candidates on the ballot would be well served by
3 representatives who are appointed by the governor and confirmed by the
4 legislature.

5 7) This act makes it clear that when there are no candidates for a district the
6 governor shall appoint and the legislature confirm board members. The
7 governor and the legislature need not wait until after an election but may act
8 promptly to fill initial vacancies as they become apparent.

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12 **Section Two. Title 3 G.C.A. § 7108(b) is amended to read:**

13 “(b) For each office, except the Education Policy Board, on a ballot, the
14 Commission shall provide a line, or lines, with an oval or other space to mark to permit
15 votes to be cast for write-in candidates. If the name filled in by a voter adequately
16 identifies the write-in candidate, the vote shall be valid for that candidate; provided, that
17 the voter has filled in or darkened the adjacent oval or other space that is to be marked.”

18 **Section Three. Title 17 G.C.A. § 3117 is amended to read:**

19 **“§ 3117. Same: Vacancies.**

20 (a) Any vacancies, including initial vacancies, of elected member positions
21 occurring on the Board shall be filled within ninety (90) days forthwith by appointment
22 of I Maga'lahen Guåhan (the Governor of Guam) for the term or remaining term of
23 office the vacating member, subject to the advice and consent of confirmation by I
24 Lihselaturan Guåhan (the Guam Legislature). Such Vacancies, including initial
25 vacancies, shall be filled by appointment of a member from the same district(s) in which
26 the vacancies, including initial vacancies, occur represented by the vacating member.

27 (b) Persons may be appointed and confirmed to fill anticipated initial vacancies at any
28 time between the last day for nomination of candidates as required by §3114 of this title
29 and the general election and assume their offices upon appointment but not before the
30 assumption of office of members elected pursuant to §3115 of this title .”