

**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
**2008 (SECOND) Regular Session**

Bill No. 272 <sup>EC</sup>  
(LS)

Introduced by:

J.P. Guthertz  
R.J. Respicio  
B.I. Cruz



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CPM

**AN ACT TO AMEND THE ELECTION CODE TO PROVIDE  
FOR THE PRESENTATION OF INITIATIVE MEASURES  
AND TO ADD A NEW § 17202.1 OF CHAPTER 17 OF TITLE  
3 GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the  
3 People of Guam have granted the right to pass laws through the initiative process  
4 through the Organic Act of Guam, 48 U.S.C. § 1422a(a), which provides that “[t]he  
5 people of Guam shall have the right of initiative and referendum, to be exercised under  
6 conditions and procedures specified in the laws of Guam.”;

7 Further, the People of Guam have exercised their right of initiative on numerous  
8 occasions and with numerous subjects;

9 Further, *I Liheslaturan Guåhan* finds that legalization of gambling in Guam has  
10 been the subject of several initiatives, specifically those submitted to the voters of Guam  
11 in the 1996, 2004, 2006, and 2008 elections, and all of them were rejected by the voters;

12 Further, *I Liheslaturan Guåhan* finds that while the right of initiative is an essential  
13 and important right, it is not absolute. *I Liheslaturan Guåhan* finds that initiative  
14 measures having similar or related subjects that are presented to voters in consecutive

1 elections and which have been rejected in those elections impose considerable cost and  
2 expense to the Government of Guam, the Guam Election Commission, and to the island  
3 and its residents. These costs are excessive and burdensome, including the costs  
4 associated in the presentation of the initiatives, the conduct of elections, voter  
5 information, election campaign and debate, and legal and judicial resources expended  
6 on the initiative measures;

7 Further, *I Liheslaturan Guåhan* finds that other jurisdictions, such as Pennsylvania,  
8 Utah, Mississippi, Alaska and Wyoming, have also prescribed certain conditions for the  
9 presentation of initiative measures in order to prevent the burdensome costs associated  
10 with redundant initiative measures;

11 It is therefore the intent of *I Liheslaturan Guåhan* to provide for certain conditions  
12 relating to the presentation of initiative measures with similar or related subjects that  
13 have been submitted to, and rejected by, voters in previous elections.

14 **Section 2. A new § 17202.1 of Chapter 17 of Title 3, Guam Code Annotated is**  
15 **hereby added to read as follows:**

16 “§17202.1 If an initiative measure is not approved by voters in any general or special  
17 election, no initiative measure proposing a similar or related subject shall be submitted  
18 to voters for at least five (5) years after the date of such election.”