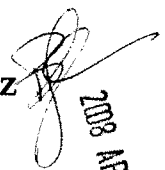


MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 282 (CC)

Introduced by:

B.J.F. Cruz


2008 APR 25 PM 5:02

**AN ACT TO AMEND § 13104 OF CHAPTER 13 OF
TITLE 3, GUAM CODE ANNOTATED AND TO ADD
A NEW § 1126 IN CHAPTER 1 OF TITLE 2, GUAM
CODE ANNOTATED; RELATIVE TO VACANCIES IN
*I LIHESLATURAN GUÅHAN.***

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*
3 *Guåhan* finds that the October 2007 passing of one of Guam's
4 statesmen, former Speaker Antonio R. Unpingco, led to a special
5 election on January 2008 to fill the vacancy of his unexpired term in *I*
6 *Mina Bente Nuebi na Liheslaturan Guåhan.*

7 The intent of this Act is to present alternatives to filling
8 vacancies in *I Liheslatura* in a manner that is streamlined and less
9 costly. The special election held on January 5, 2008 cost Guam
10 taxpayers about \$125,000. This Act presents several new sections to
11 the existing statutes of Title 2 of the Guam Code Annotated.

1 However, only one out of the four that receives the most favorable
2 testimony by the People of Guam will prevail based on public input
3 during the public hearing. It will be included in the final version of
4 the bill prior to its introduction on the legislative floor.

5 **Section 2.** § 13104 of Chapter 13 of Title 3, Guam Code
6 Annotated is hereby amended to read:

7 ~~“§ 13104. Election to Fill Vacancy in the Guam~~
8 ~~Legislature.~~

9 ~~The Guam Election Commission shall call for a special~~
10 ~~election on a Saturday on or about sixty (60) days of the~~
11 ~~vacancy to fill vacancies in the Guam Legislature whenever one~~
12 ~~(1) or more vacancies occur therein prior to eight (8) months~~
13 ~~before the date of the next general election of members of the~~
14 ~~Guam Legislature. Candidates must file their candidacies no~~
15 ~~later than thirty (30) days prior to the special election date.~~
16 ~~There shall be no primary election. The highest vote getter or~~
17 ~~vote getters if there is more than one (1) vacancy, shall be~~
18 ~~certified by the Guam Election Commission as elected and shall~~
19 ~~be administered the oath of office immediately to fill the~~
20 ~~unexpired vacancy.”~~

21 **Section 3.** A new § 1126. in Chapter 1 of Title 2, Guam Code
22 Annotated is hereby created to read:

1 **“§ 1126. Vacancies.** In the case of a vacancy occurring in *I*
2 *Liheslaturan Guåhan* because a member can no longer qualify to
3 serve in the seat for which he was elected, the vacancy shall be
4 filled by appointment of *I Maga’lahen Guåhan* with the advise
5 and consent of *I Liheslaturan Guåhan*. The appointment shall
6 take place within thirty (30) days of the vacancy occurring. The
7 person appointed to fill the vacancy shall serve for the
8 remainder of the term of the position vacated.”;

9 **“§ 1126. Vacancies.** In the case of a vacancy occurring in *I*
10 *Liheslaturan Guåhan* because a member can no longer qualify to
11 serve in the seat for which he was elected, the vacancy shall be
12 filled by appointment by a majority vote from among the
13 members of the Mayors’ Council of Guam. The appointment
14 shall take place within thirty (30) days of the vacancy occurring.
15 The person appointed to fill the vacancy shall serve for the
16 remainder of the term of the position vacated.”;

17 **“§ 1126. Vacancies.** In the case of a vacancy occurring in *I*
18 *Liheslaturan Guåhan* because a member can no longer qualify to
19 serve in the seat for which he was elected, the vacancy shall be
20 filled by appointment by a majority vote from among the
21 members of *I Liheslaturan Guåhan*. The appointment shall take
22 place within thirty (30) days of the vacancy occurring. The

1 person appointed to fill the vacancy shall serve for the
2 remainder of the term of the position vacated.”; or

3 **“§ 1126. Vacancies.** If a vacancy occurs in *I Liheslaturan*
4 *Guåhan*, the sixteenth (16th) place finisher in the general election
5 for which the vacancy was initially filled shall be appointed to
6 fill the vacancy for the remainder of the term. If the sixteenth
7 (16th) place finisher is ineligible unwilling or unable to be
8 appointed, the next highest ranking finisher in votes in that
9 general election shall be appointed. If such finisher is ineligible
10 or unwilling or unable to be appointed, the legislature shall
11 have thirty (30) days to fill the vacancy.”