

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

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Bill No. 287 (EC)

Introduced by:

J.P. GUTHERTZ
R.J. RESPICIO
B.J.F. CRUZ

AN ACT TO AMEND TITLE 3 GUAM CODE ANNOTATED
CHAPTER 7 § 7107 AND TITLE 3 GCA CHAPTER 11 § 11134
RELATIVE TO VOTING FOR PRESIDENT AND VICE-
PRESIDENT OF THE UNITED STATES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that Guam has been a part of the United States for more than 110
4 years, and the Chamorro people have been U.S. citizens for nearly 60 years,
5 yet the U.S. residents of Guam cannot vote for the highest leaders of their
6 country, the President and Vice President.

7 *I Liheslatura* finds that since 1980, the voters of Guam have cast ballots
8 in a "straw poll" for President and Vice-President hours before the rest of
9 the United States begins voting, the original intent being that because
10 Guam is where America's day begins, early voting results from Guam
11 could emphasize the fact that the votes of American citizens who call
12 Guam home are not counted in selecting the President and Vice-President.

1 Unfortunately the results of Guam's vote are not tallied until the U.S.
2 mainland begins voting, and Guam's "straw poll" results are ignored.

3 It is therefore the intent of *I Liheslatura* to move the "straw poll" for
4 President and Vice-President from the general election to the primary
5 election so that Guam's choice for our nation's highest leaders will be
6 known in advance of the national general election, and draw attention to
7 the continued disenfranchisement of the American citizens living in the
8 American territory of Guam.

9 **Section 2. Title 3 Guam Code Annotated Chapter 7 § 7107 is**
10 ***amended to read:***

11 **"§7107. Presidential Elections.**

12 The ballot for the primary [~~general~~] election in each year evenly
13 divisible by four (4) beginning with 2008 [~~1980~~] shall contain the
14 names of the nominees for President and Vice-President of the United
15 States of the [~~each~~] national Democratic and Republican political
16 parties that have [~~party which has~~] made such nominations, provided
17 that the Election Commission has determined there is enough time to
18 print such nominees' names on the primary election ballot. If the
19 Election Commission has determined there is not enough time to

1 place such names on the primary election ballot, the names will be
2 placed on the next general election ballot. For the purpose of this §
3 7107, the latest date on which the names of the candidates of the
4 national Democratic and Republican political parties shall be
5 available shall be fifteen (15) calendar days prior to the primary
6 election. In addition, any team of candidates which has been placed
7 on the ballot of any state of the United States may have their names
8 placed on the ballot as independent candidates, or as candidates of
9 the party of which they are on the ballot in that state. If the
10 candidates wish to be placed on the ballot, they may request such
11 placement no later than fifteen (15) calendar days prior to the
12 primary election of each election year. The Election Commission shall
13 place on the ballot such candidates under either the independent
14 category, or the name of the party by which the candidates have been
15 placed in the ballot in another state.”

16 **Section 3. Title 3 Guam Code Annotated Chapter 11 § 11134 is**
17 ***amended to read:***

18 **“§ 11134. Special Provision for Presidential Election.**

1 In those years when the ballot contains the names of candidates
2 for President and Vice-President of the United States, the
3 Commission shall declare the results of said election and shall, by
4 written direction, order the chairman of the Election Commission to
5 act as the elector for [~~the territory of~~] Guam as such term is used in
6 Article II, Section 1 of the United States Constitution, to cast his ballot
7 for the candidates for President and Vice-President receiving the
8 highest number of votes and to transmit said results to the President
9 and Vice-President of the United States, to the candidates for
10 President and Vice-President listed on said election ballot, to the
11 national chairpersons of the political parties represented by the
12 candidates for President and Vice-President on said election ballot, to
13 the Speaker of the House of Representatives of the United States, and
14 to the President of the Senate of the United States, and to the
15 President or Chairperson of the Chamorro and/or Guamanian Clubs
16 of Guam throughout the U.S. Mainland."

17 **Section 4. Combine ballots.** The Guam Election Commission shall
18 endeavor to combine the Presidential Election ballot with other races in the

- 1 said election so as not to use a separate ballot for the Presidential Election
- 2 “straw poll” if possible.