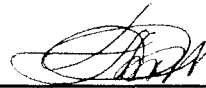


I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

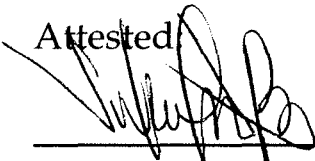
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 272 (EC), "AN ACT TO ADD NEW §§17202.2 AND 17202.3 TO CHAPTER 17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES," was on the 21st day of November, 2008, duly and regularly passed.



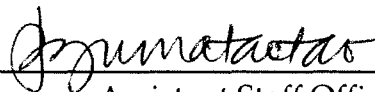
Judith T. Won Pat, Ed. D.
Speaker

Attested



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by I Maga'lahaen Guåhan this 25 day of NOV, 2008, at 9:41 o'clock A.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 272 (EC)

As substituted by the Committee
on Education, General and Omnibus
Affairs and amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA
R. J. Respicio
B. J.F. Cruz
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D.

**AN ACT TO *ADD* NEW §§17202.2 AND 17202.3 TO CHAPTER
17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO
THE PRESENTATION OF INITIATIVE MEASURES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the people of Guam have been granted the right to pass laws through the
4 initiative process by the Organic Act of Guam, 48 U.S.C. §1422a(a), which
5 provides that “[t]he people of Guam *shall* have the right of initiative and

1 referendum, to be exercised under conditions and procedures specified in the laws
2 of Guam”.

3 Further, the people of Guam have exercised their right of initiative on
4 numerous occasions and on numerous subjects.

5 Further, *I Liheslaturan Guåhan* finds that legalization of gambling in Guam
6 has been the subject of several initiatives, specifically those submitted to the
7 voters of Guam in the 1996, 2004, 2006 and 2008 elections, and all of them were
8 rejected by the voters.

9 Further, *I Liheslaturan Guåhan* finds that while the right of initiative is an
10 essential and important right, it is *not* absolute. *I Liheslaturan Guåhan* finds that
11 initiative measures having similar *or* related subjects that are presented to voters in
12 consecutive elections and which have been rejected in those elections impose
13 considerable cost and expense to the government of Guam, the Guam Election
14 Commission, and to the island and its residents. These costs are excessive and
15 burdensome, including the costs associated in the presentation of the initiatives,
16 the conduct of elections, voter information, election campaign and debate, and
17 legal and judicial resources expended on the initiative measures.

18 Further, *I Liheslaturan Guåhan* finds that other jurisdictions, such as
19 Pennsylvania, Utah, Mississippi, Alaska and Wyoming, have also prescribed
20 certain conditions for the presentation of initiative measures in order to prevent the
21 burdensome costs associated with redundant initiative measures.

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

25 **Section 2.** A new §17202.2 is hereby *added* to Chapter 17 of Title 3, Guam
26 Code Annotated, to read as follows:

1 "§17202.2. *If* an initiative measure is *not* approved by voters in any
2 election, *no* initiative measure proposing a substantially similar *or*
3 substantially related subject *shall* be submitted to voters for at least three (3)
4 years after the date of such election."

5 **Section 3.** A new §17202.3 is hereby *added* to Chapter 17 of Title 3, Guam
6 Code Annotated, to read as follows:

7 "§17202.3. The Guam Election Commission *shall* be responsible for
8 determining whether an initiative measure proposes a substantially similar
9 *or* substantially related subject of a previously defeated measure prior to
10 circulation of said measure."

11 **Section 4. Severability.** *If* any of the provisions of this Act or the
12 application thereof to any person or circumstance is held invalid, such invalidity
13 shall *not* affect any other provision or application of this Act which can be given
14 effect without the invalid provision or application, and to this end the provisions
15 of this Act are severable.