



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



HAND DELIVERED

7 March 2014
 32-14-1380
 Office of the Speaker
 Judith T. Won Pat, Ed. D.
 Date: 3.7.14
 Time: 3:07 PM
 Received: [Signature]

Honorable Judith T. Won Pat, Ed.D.
 Speaker and Chairperson, Committee on
 Education, Public Library and Women's Affairs
 I Mina Trentai Dos Na Liheslaturan Guåhan
 155 Hesler Place
 Hagåtña, Guam, 96910

Hafa Adai Speaker Won Pat:

The Guam Election Commission has received your letter of February 3, 2014, to which was attached a copy of Bill 215-32 (COR), directing the GEC to place on the 2014 General Election Ballot the referendum question: "Shall the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013" that provides for the medical use of cannabis be allowed?"

The GEC has carefully considered your February 3 letter, and has received advice from its legal counsel. It has also given careful attention to the opinions it received from Legislative counsel, Minority legal counsel and counsel to Sen. Tina Muna Barnes. With all due respect to the Guam Legislature, the GEC regrets to inform you that it has determined that Guam law does not authorize it to place on the ballot for a referendum vote a question from the Legislature in the manner presented by Bill 215-32 (COR).

To be clear, the GEC does not question the right of the People of Guam to have a referendum question placed on the ballot, the right of the Legislature to submit a recall referendum, or the power of the Legislature to establish procedures with respect to the initiative and referendum process. These rights and powers are not implicated in Bill 215-32 (COR). The GEC believes that Bill 215-32 (COR) presents a delegation of legislative law making authority not permitted by Guam law, and not authorized as a referendum measure.

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 Ex Officio Secretary
 Executive Director

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As you no doubt know from media coverage of the GEC meeting last night, the GEC believes the question of the power of the Legislature to direct that a Bill be placed on the ballot as a referendum measure is an important issue. The GEC has considered whether this matter could be presented to the Supreme Court in time to have a judicial determination made before the 2014 General Election. The GEC does not have the power to directly petition the Supreme Court to consider this issue, but the Governor and the Legislature do have the right of direct petition. We of course do not presume to suggest any course of action, other than to note there is an avenue available for judicial resolution of this question.

Sincerely,



JOSEPH F. MESA
Chairman

cc: Honorable Eddie Baza Calvo, I Maga'lahren Guahan

Honorable Rory J. Respicio, Chairman, Committee on Rules, Federal, Foreign
& Micronesian Affairs, Human & Natural Resources, and Election Reform

Honorable Tina Muña Barnes, Legislative Secretary and Chairperson, Committee on Municipal
Affairs, Tourism, Housing and *Hagatña* Restoration and Redevelopment Authority

Honorable Aline A. Yamashita, Ph.D., I Mina'Trentai Dos Na Liheslaturan Guåhan