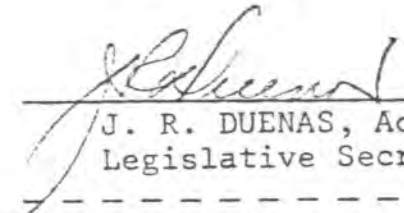


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 571, "An Act to repeal and reenact Section 2056, Title III of the Government Code of Guam; to amend Sections 2057 and 2071 of said Code; to repeal Section 2372 of said Code; to amend Section 2374 of said Code; to repeal Sections 2375, 2376, and 2377 of said Code; to repeal and reenact Section 2378 of said Code; to repeal Section 2450 of said Code; to repeal and reenact Sections 2451 and 2453 of said Code; and to amend Section 2458 of said Code, relative to elections; to amend Section 4117 of said Government Code relative to reassignment of classes of positions; and to amend Section 4103 of the Government Code by adding the figures '1300' to each step and each pay range", was on the 14th day of March, 1974, duly and regularly passed.


F. T. RAMIREZ
Speaker


ATTESTED:


J. R. DUENAS, Acting
Legislative Secretary

This Act was received by the Governor this 14th day
of March, 1974 at 3:20 o'clock p. M.


KEITH L. ANDREWS
Attorney General of Guam

APPROVED:


CARLOS G. CAMACHO
Governor of Guam

DATED: MAR 28 1974
4:45 p.m.

Public Law
12-117

TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 571

Introduced by

F. G. Lujan
J. F. Ada
V. D. Ada
P. J. Bordallo
P. M. Calvo
A. L. Cristobal
J. R. Duenas
F. T. Ramirez
J. M. Rivera
G. R. Salas
A. C. Sanchez
F. R. Santos
R. F. Taitano
E. S. Terlaje
J. U. Torres
A. C. Ysrael

AN ACT TO REPEAL AND REENACT SECTION 2056,
TITLE III OF THE GOVERNMENT CODE OF GUAM;
TO AMEND SECTIONS 2057 AND 2071 OF SAID CODE;
TO REPEAL SECTION 2372 OF SAID CODE; TO AMEND
SECTION 2374 OF SAID CODE; TO REPEAL SECTIONS
2375, 2376, AND 2377 OF SAID CODE; TO REPEAL
AND REENACT SECTION 2378 OF SAID CODE; TO
REPEAL SECTION 2450 OF SAID CODE; TO REPEAL
AND REENACT SECTIONS 2451 AND 2453 OF SAID
CODE; AND TO AMEND SECTION 2458 OF SAID CODE,
RELATIVE TO ELECTIONS; TO AMEND SECTION 4117
OF SAID GOVERNMENT CODE RELATIVE TO REASSIGN-
MENT OF CLASSES OF POSITIONS; AND TO AMEND
SECTION 4103 OF THE GOVERNMENT CODE BY ADDING
THE FIGURES "1300" TO EACH STEP AND EACH PAY
RANGE.

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

2 Section 1. Section 2056, Chapter III, Title III of the
3 Government Code of Guam is hereby repealed and a new Section 2056
4 is enacted in lieu thereof to read as follows:

5 "Section 2056. Persons entitled to vote: compliance
6 with registration provisions. Every person not confined
7 to a mental institution, nor judicially declared insane,
8 nor serving a criminal sentence, who is a citizen of
9 the United States over eighteen (18) years of age, or
10 who shall have reached his eighteenth birthday by the
11 day set for election, who is a resident of Guam and who

1 complies with the provisions of this Title governing
2 the registration of electors is entitled to vote at
3 any general election held within the territory of
4 Guam; provided that in the election of municipal or
5 municipal division or district officers only those
6 otherwise qualified electors who reside within the
7 municipality, division, or district concerned shall
8 have the right to vote for such municipal or district
9 officer."

10 Section 2. Section 2057, Chapter III, Title III of the
11 Government Code of Guam is hereby amended to read as follows:

12 "Section 2057. Affidavit of registration: prerequisite:
13 making and contents. No persons shall be registered as a
14 voter except by affidavit or registration as provided in
15 this Title. Any person who has been registered to vote
16 in his former residence shall identify said residence
17 and shall as a prerequisite to any new registration
18 submit to the registration clerk a cancelled registra-
19 tion certificate, or other official declaration from
20 the jurisdiction of former residence that registrant
21 is no longer registered to vote in that jurisdiction.
22 If such person alleges he was not registered to
23 vote in his former residence, he shall produce documen-
24 tation from the election jurisdiction of his former
25 residence substantiating same. The affidavit shall be
26 made in duplicate before the registration clerk of the
28 district or municipality wherein such elector resides,
29 or before a registration clerk in the office of the
30 Commission, and shall set forth all the facts required
31 to be shown by this Title and the election manual."

32 Section 3. Section 2071 of Chapter III, Title III of the

1 Government Code of Guam is hereby amended to read as follows:

2 "Section 2071. Registration: certified copy as
3 evidence. Upon the personal or written application of
4 any person, the Election Commission shall give him a
5 certified copy of the entries upon the register
6 relating to the applicant."

7 Section 4. Section 2372 of Chapter IX, Title III of the
8 Government Code of Guam is hereby repealed.

9 Section 5. Section 2374 of Chapter IX, Title III of the
10 Government Code is hereby repealed and a new Section 2374 is
11 enacted in lieu thereof to read as follows:

12 "Section 2374. Residence. That place is the
13 residence of a person in which he intends to stay in-
14 definitely without any present intention of removing
15 therefrom together with objective indications consistent
16 with that intent."

17 Section 6. Section 2375 of Chapter IX, Title III of the
18 Government Code of Guam is hereby repealed.

19 Section 7. Section 2376 of Chapter IX, Title III of the
20 Government Code of Guam is hereby repealed.

21 Section 8. Section 2377 of Chapter IX, Title III of the
22 Government Code of Guam is hereby repealed.

23 Section 9. Section 2378 of Chapter IX, Title III of the
24 Government Code of Guam is hereby repealed and a new Section 2378
25 is enacted in lieu thereof to read as follows:

26 "Section 2378. Dual voting prohibited. (a) Any
27 elector who has abandoned his residency in Guam, or who
28 votes in an election in another jurisdiction, cannot
29 vote in an election on Guam. Likewise, any person who
30 though domiciled on Guam has retained his voter regis-
31 tration in another jurisdiction, cannot vote in an
32 election on Guam. Likewise, an elector cannot vote by

1 absentee ballot in Guam if he is registered to vote in
2 another jurisdiction. Any person who violates any of
3 the above prohibitions shall be punished by a fine not
4 to exceed One Thousand Dollars (\$1,000) or by imprison-
5 ment not exceeding three (3) years, or both. These pro-
6 hibitions shall be clearly displayed on every applica-
7 tion for ballot and at every registration and voting
8 site on Guam.

9 (b) Any person who removes to any place outside
10 the territory of Guam for more than one hundred eighty
11 (180) consecutive days or who has purchased and is
12 residing in a dwelling outside of the territory of
13 Guam for more than thirty (30) days is presumed to
14 have abandoned his residency in Guam and the right to
15 vote in any election. However, this presumption shall
16 not apply to any qualified voter who is:
17

- 18 (1) in attendance at an institution of learning, or
- 19 (2) engaged in navigation, or
- 20 (3) serving in the United States Armed Forces
21 or the Merchant Marines of the United States, or
- 22 (4) receiving treatment at a medical institution, or
- 23 (5) accompanying a spouse who is engaged in any
24 activity listed above."

25 Section 10. Section 2450 of Chapter X, Title III of the
26 Government Code of Guam, is hereby repealed.

27 Section 11. Section 2451 of Chapter X, Title III of the
28 Government Code of Guam is hereby repealed and a new Section
29 2451 is enacted in lieu thereof to read as follows:

30 "Section 2451. Right to vote, conditions. Any
31 qualified voter of the territory of Guam may, as
32 provided in this Chapter and subject to the conditions

1 in this section, vote at any election by absentee ballot
2 if he will be prevented from personally going to the
3 polls and voting on election day because of:

4 (a) the conduct of his business or due to
5 other necessary travel, or

6 (b) illness or physical disability, or

7 (c) service in the Armed Forces or Merchant
8 Marines of the United States, or

9 (d) employment with the territory of Guam, or

10 (e) attendance at an institution of learning, or

11 (f) employment in the service of the United
12 States or any federal agency, or

13 (g) accompanying a spouse who is engaged in any
14 activity listed (a-f) above."

15 Section 12. Section 2453 of Chapter X, Title III of the
16 Government Code of Guam is hereby repealed and a new Section
17 2453 is enacted in lieu thereof to read as follows:

18 "Section 2453. (a) Form of application blank.

19 Application for ballots shall be made substantially
20 in the following form:

21 'APPLICATION FOR BALLOT TO BE VOTED AT THE _____
22 ELECTION ON THE _____ DAY OF _____, 19____
23 State or Territory of _____)
24 County or Municipality of _____)ss

25 I, _____, do solemnly swear that
26 I as a resident of the territory of Guam, am a duly-
27 qualified voter entitled to vote at said election; that
28 I am not registered to vote in any other jurisdiction; that
29 I understand the prohibitions against and the penalty for
30 voting in any election on Guam if I am presently registered
31 to vote in another jurisdiction; that my occupation is
32 _____; and that on account of _____
33 I cannot be at the polls on election day;

1 I hereby make application for an official ballot
2 to be voted by me at such election, and that I will return
3 said ballot to the Commission before the day of said
4 election.

5 Signed _____

6 Dated this _____ day of _____, 19 _____

7 Residence: _____

8 Post Office Address: _____

9 _____
10 _____
11 Subscribed and sworn to me before this _____ day of
12 _____, 19 _____
13 _____

14 (TITLE)'

15 (b) Any application from outside the territory of
16 Guam must document in accordance with Election Commission
17 regulations that applicant is entitled to vote under
18 provisions of this Chapter.

19 (c) Any applicant who fails to document his appli-
20 cation for ballot in accordance with Commission regula-
21 tions shall be denied a ballot, and his name will be
22 stricken from the register of qualified voters in
23 accordance with Chapter III of this Title."

24 Section 13. Section 2458 of Chapter X, Title III of the
25 Government Code of Guam is hereby amended to read as follows:

26 "Section 2458. Voter's affidavit on envelope. On
27 the reverse side of the envelope prescribed in the pre-
28 ceding section shall be printed a blank form of affidavit
29 in substantially the following form:

30 State or Territory of _____)

31 County or Municipality of _____) ss

32 I, _____, do solemnly swear that
33 the following matters relating to my qualifications for

1 registration and voting are true:

2 Residence: _____ (municipality, municipal,
3 division or district), Territory of Guam.

4 Age: _____ years

5 Date of birth _____ day of _____, 19 _____

6 Place of birth: _____

7 Method by which United States citizenship attained: _____

8 Qualified voter: _____ (yes or no)

9 That I am not confined to a mental institution nor
10 judicially declared insane; that I am not serving a
11 criminal sentence; that I not registered to vote in
12 any other jurisdiction; that I am in the business of work
13 of _____; and that I shall be prevented from
14 attending the polls on the day of election on account
15 of _____.

16 Signed _____

17 Subscribed and sworn to before me this _____ day
18 of _____, 19_____, and I hereby certify that
19 the affiant exhibited the enclosed ballot to me unmarked;
20 that he then in my presence and in the presence of no
21 other person, and in such manner that I could not see his
22 vote, mark such ballot and enclosed and sealed same in
23 this envelope; that the affiant was not solicited or
24 advised by me for or against any candidate or measure.

25 _____
26 _____
(Official Title)

27 Section 14. Section 4117 of the Government Code of Guam
28 is hereby amended to read as follows:

29 "Section 4117. Reassignment of classes. The Governor
30 may, upon the recommendation of the Civil Service Commission
31 when he finds the economic conditions warrant the necessity
32 therefor, reassign classes of positions to higher or lower
33 pay ranges, within the pay range schedule than those to which

1 they are assigned in Section 4103 of this Compensation Law;
2 provided, however, that all classes of positions in the
3 classified service are reassigned at one and the same time
4 and in the same manner and to the same extent; and provided
5 further, that such reassignment shall not become effective
6 without the prior concurrence of the Legislature, by
7 resolution. The provisions of this section shall retro-
8 actively take effect on midnight of March 12, 1974.

9 Section 15. The pay range schedule set forth on Section 4103
10 of the Government Code of Guam is hereby amended by adding the
11 figures "1300" to each step and each pay range. This increase
12 shall be effective on the first pay period following July 1, 1974.

13 Section 16. Severability. If any provision of this
14 Act or the application thereof to any person or circumstances
15 is held invlaid, such invalidity shall not affect other
16 provisions or applications of the Act which can be given effect
17 without the invalid provision or application, and to this end
18 the provisions of this Act are severable.