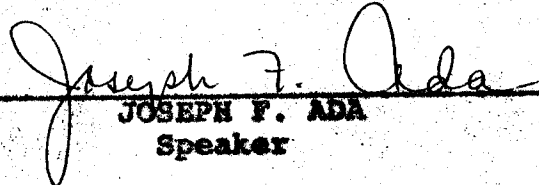


FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session

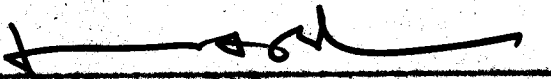
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 162, "An Act to add a new Chapter XVIII to Title III of the Government Code to provide for an initiative, referendum and legislative submission and for other purposes", was on the 15th day of April, 1977, duly and regularly passed.




JOSEPH F. ADA
Speaker

ATTESTED:



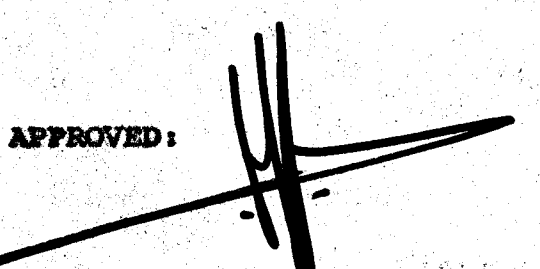
FRANK F. BLAS
Acting Legislative Secretary

This Act was received by the Governor this 26th day of
April, 1977, at 8:50 o'clock A.M.



RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:



RICARDO J. BORDALLO
Governor of Guam

DATED:

May 3, 1977
10:50 AM

Public Law 14-23

FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session

Bill No. 162

Introduced by

F. F. Blas
J. F. Ada
T. V. C. Tanaka
C. T. C. Gutierrez

AN ACT TO ADD A NEW CHAPTER XVIII TO TITLE
III OF THE GOVERNMENT CODE TO PROVIDE FOR
AN INITIATIVE, REFERENDUM, AND LEGISLATIVE
SUBMISSION AND FOR OTHER PURPOSES.

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

2 Section 1. A new Chapter XVIII is added to Title III of
3 the Government Code to read:

4 "CHAPTER XVIII

5 INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION

6 Subchapter A

7 General Provisions

8 Section 2960. Legislative intent. It is the intent
9 of the Legislature through the enactment of this measure
10 that the people of the territory of Guam shall have the
11 right to exercise the power of initiative and referendum
12 with regard to legislative matters, and that the Legisla-
13 ture shall submit matters to the voters for approval or
14 rejection.

15 Section 2960.1. Definitions. As used in this Chapter:

16 (a) 'Initiative' is the power of the voters to
17 propose statutes and to adopt or reject them at the
18 polls.

19 (b) 'Referendum' is the power of the voters to
20 initiate action to repeal existing statutes or parts
21 of statutes, except statutes calling for elections,
22 or appropriations for usual current expenses of the
23 territory.

1 (c) 'Legislative submission' means the power of
2 the voters to approve or reject legislation which has
3 been referred to them by the Legislature.

4 (d) 'Measure' refers to the action proposed or
5 question presented on the initiative, referendum or
6 legislative submission.

7 Section 2960.2. Legislative amendment: limitations.
8 The Legislature may amend or repeal statutes enacted pur-
9 suant to legislative submission but the Legislature may not
10 within a period of two (2) years, amend or repeal a statute
11 enacted pursuant to an initiative without voter approval
12 unless said statute provides for amendment or repeal with-
13 out voter approval.

14 Section 2960.3. Summary of proposed initiative,
15 referendum or legislative submission: fees.

16 (a) The proponents of any proposed initiative or
17 referendum measure, prior to circulating any petition
18 for signatures, shall submit a draft of the measure
19 to the Election Commission with a request that it
20 prepare a summary of the chief purposes and points of
21 the proposed measure. The summary shall not exceed
22 one hundred (100) words and shall be a true and
23 impartial summary of the measure.

24 (b) The Election Commission shall also upon
25 request of the Speaker of the Legislature prepare a
26 summary of each legislative submission measure to be
27 submitted to the voters by the Legislature. The
28 summary shall not exceed one hundred (100) words.

1 (c) The proponents of any initiative or referen-
2 dum measure shall, at the time of submitting the draft
3 of the measure to the Election Commission, pay a non-
4 refundable fee of Two Hundred Dollars (\$200) to help
5 defray the cost of preparing the measure for the bal-
6 lot. No fee shall be charged for legislative submis-
7 sions.

8 Section 2960.4. Preparation of ballot title by
9 Election Commission. The Election Commission shall provide
10 a ballot title for each initiative, referendum or legisla-
11 tive submission to be submitted to the voters, within ten
12 (10) days after the measure is certified for a position on
13 the ballot and publish said title once a week for three (3)
14 consecutive weeks in a newspaper of general circulation
15 on Guam. The ballot title may differ from the legislative
16 or other title of the measure and shall express the purpose
17 of the measure in not more than one hundred (100) words.
18 The Election Commission shall give a true and impartial
19 statement of the purpose of the measure in such language
20 that the ballot title shall not be an argument or likely
21 to create prejudice either for or against the measure.

22 Section 2960.5. Designation of measures by title.
23 Each measure shall be designated on the ballot by the bal-
24 lot title prepared by the Election Commission.

25 Subchapter B

26 Initiative

27 Section 2960.6. Initiative: proposal of. Initiative
28 measures may be proposed by presenting to the Election
29 Commission petitions, as set forth in this Chapter signed
30 by voters equal in number to twenty percent (20%) of all
31 votes counted for all candidates for Governor at the last
32 preceeding general election at which a Governor was elected.

1 Section 2960.7 Initiative: unrelated subjects pro-
2 hibited. An initiative measure embracing unrelated sub-
3 jects may not be submitted to the voters.

4 Section 2960.8. Same: presentation of. The Election
5 Commission shall submit the initiative to the electors
6 after certification, at the next general election held at
7 least ninety (90) days after it qualifies or at a territory-
8 wide special election held at least ninety (90) days after
9 certification, provided however that the Legislature may
10 call a territory-wide special election for the purpose of
11 having the electors vote on an initiative measure.

12 Section 2960.9. Same: effective date. An initiative
13 approved by a majority of the voters thereon takes effect
14 immediately upon the date of the official declaration of
15 the vote by the Election Commission.

16 Section 2960.10. Same: resolution of conflicts.
17 If provisions of two or more measures approved at the same
18 election conflict, those provisions of the measure receiving
19 the highest affirmative vote shall prevail.

20 Section 2960.11. Printing of summary on initiative
21 petition. Prior to the circulation of any proposed initia-
22 tive measure the proponents shall print upon each page of
23 the petition in Roman Blackface type not smaller than 12-
24 point, 'Initiative measure to be submitted directly to the
25 voters'. Beneath that shall be printed the Summary prepared
26 by the Election Commission in the same size type. Next
27 shall be printed the Text of the initiative measure.
28 Across the top of each subsequent page shall be printed a
29 Short Title not to exceed twenty (20) words showing the
30 nature of the petition and the subject to which it relates.

1 Section 2960.12. Initiative Petition: forms; certifi-
2 cation.

3 (a) Each section of the initiative petition shall
4 have half inch column, to the left of the place for
5 printed names, for use of the election clerks. Each
6 signer shall sign his signature next to his printed
7 names, and in the next place, print his place of
8 residence (giving the street and number if such exist,
9 plus P. O. Box) and social security or C. I. number.

10 (b) The number of signatures attached to each
11 section of the petition shall be at the pleasure of
12 the person soliciting signatures to the same. Any
13 qualified voter of the territory of Guam shall be
14 competent to solicit said signatures. The petition
15 shall have attached thereto the affidavit of the
16 person soliciting signatures stating his qualifica-
17 tions and that all the signatures to the attached
18 section were made in his presence and that to the
19 best of his knowledge and belief each signature to the
20 section is the genuine signature of the person whose
21 name it purports to be, and no other affidavit thereto
22 shall be required.

23 (c) The affidavit of any person soliciting sig-
24 natures hereunder shall be verified free to charge by
25 any officer authorized to administer oaths. Petitions
26 so verified shall be prima facie evidence that the
27 signatures thereon are genuine and that the persons
28 signing the same are qualified voters.

1 Section 2960.13. Filing of petitions. Officers
2 required by law to receive or file any initiative petition
3 shall not receive or file any initiative which does not
4 conform with the provisions of this Chapter.

5 Section 2960.14. Preservation of filed petitions.
6 An officer receiving or filing any initiative shall pre-
7 serve the petition for four (4) years. He may destroy the
8 petition after four (4) years unless it is in evidence in
9 some action or proceeding then pending.

10 Section 2960.15. Official summary date for proposed
11 initiative; time for circulation and filing of petitions.
12 The date a summary of a proposed initiative measure is
13 delivered or mailed by the Election Commission to the
14 proponents is designated the 'official summary date' for
15 the proposed initiative measure.

16 No petitions for a proposed initiative shall be circu-
17 lated for signature prior to the official summary date.
18 Petitions with signatures on a proposed initiative measure
19 shall be filed with the Election Commission not later than
20 ninety (90) days after the official summary date, and the
21 Election Commission shall not accept petitions on the pro-
22 posed initiative measure after that period.

23 Section 2960.16. Number of signatures required to
24 place initiative on ballot. The Election Commission shall
25 not accept any petition on a proposed initiative measure
26 unless it has been certified as provided in Section 2960.12
27 and has met the qualifications provided for by Section
28 2960.6 of this Chapter.

1 Subchapter C

2 Referendum

3 Section 2960.17. Referendum: proposal of. A referen-
4 dum measure may be proposed by presenting to the Election
5 Commission petitions, as set forth in this Chapter, signed
6 by voters equal in number to twenty percent (20%) of all
7 votes counted for all candidates for Governor at the last
8 preceeding general election at which a Governor was elected.

9 Section 2960.18. Referendum: unrelated subjects
10 prohibited. A referendum measure embracing unrelated sub-
11 jects may not be submitted to the voters.

12 Section 2960.19. Same: presentation of. The Election
13 Commission shall submit the referendum to the electors
14 after certification, at the next general election held at
15 least ninety (90) days after it qualifies or at a territory-
16 wide special election held at least ninety (90) days after
17 certification, provided however that the Legislature may
18 call a territory-wide special election for the purpose of
19 having the voters vote on a referendum measure.

20 Section 2960.20. Heading of referendum petition.

21 (a) Across the top of each page of a referendum
22 petition, there shall be printed in 12-point blackface
23 type the following:

24 'Referendum Against An Act Passed

25 By The Legislature'

26 (b) The summary prepared by the Election Commis-
27 sion shall be printed beneath the title in the same
28 style type.

1 Section 2960.21. Short title on referendum petition.
2 Across the top of each page after the first page of every
3 referendum petition, which is prepared and circulated,
4 there shall be printed a short title, not to exceed twenty
5 (20) words, showing the nature on the petition and the
6 subject to which it relates.

7 Section 2960.22 Referendum Petition: forms; certifica-
8 tion.

9 (a) Each section of the referendum petition shall
10 have a half-inch column to the left of the place for
11 printed names, for use of the election clerks. Each
12 signer shall sign his signature next to his printed
13 name, and in the next place, print his place of
14 residence (giving the street and number if such exist,
15 plus P. O. Box), and social security or C. I. number .

16 (b) The number of signatures attached to each
17 section of the petition shall be at the pleasure of
18 the person soliciting signatures to the same. Any
19 qualified voters of the territory of Guam shall be
20 competent to solicit said signatures. The petition shall
21 have attached thereto the affidavit of the person
22 soliciting signatures to the same, stating his own
23 qualifications and that all the signatures to the
24 attached section were made in his presence and that to
25 the best of his knowledge and belief each signature to
26 the section is the genuine signature of the person
27 whose name it purports to be, and no other affidavit
28 thereto shall be required.

1 (c) The affidavit of any person soliciting
2 signatures hereunder shall be verified free of
3 charge by any officer authorized to administer oaths.
4 Such petitions so verified shall be prima facie
55 evidence that the signatures thereon are genuine and
6 that the persons signing the same are qualified
7 electors.

8 Section 2960.23. Filing of petitions. Officers
9 required by law to receive or file any referendum petition
10 shall not receive or file any referendum petition which
11 does not conform with the provisions of this Act.

12 Section 2960.24. Preservation of filed petitions.
13 An officer receiving or filing any referendum petition shall
14 preserve the petition for four (4) years. He may destroy
15 the petition after four (4) years unless it is in evidence
16 in some action or proceeding then pending.

17 Section 2960.25. Official summary date for proposed
18 referendum measure; time for circulation and filing of
19 petitions. The date a summary of a proposed referendum
20 measure is delivered or mailed by the Election Commission
21 to the proponents is designated the 'official summary date'
22 for the proposed referendum measure.

23 No petitions for a proposed referendum measure shall
24 be circulated for signature prior to the official summary
25 date. Petitions with signatures on a proposed referendum
26 measure shall be filed with the Election Commission not
27 later than ninety (90) days after the official summary
28 date, and the Election Commission shall not accept
29 petitions on the proposed referendum measure after that
30 period.

1 Section 2960.26. Number of signatures required to
2 place referendum on ballot. The Election Commission shall
3 not accept any petition on a proposed referendum measure
4 unless it has been certified as provided in Section 2960.22
5 and has met the qualifications provided for by Section
6 2960.17 of this Chapter.

7 Subchapter D

8 Legislative Submission

9 Section 2960.27. Number of Legislative votes necessary
10 for Legislature's submission. No measure shall be sub-
11 mitted to the voters by the Legislature unless it shall
12 have been adopted by fourteen (14) affirmative votes.

13 Section 2960.28. Number of votes to approve legisla-
14 tive measure submitted to the people by the Legislature.
15 A majority of the valid votes cast thereon shall be
16 necessary for the approval of any legislative submission
17 placed on the ballot by the Legislature.

18 Subchapter E

19 Arguments Concerning Initiative, Referendum Or

20 Legislative Submission Measures

21 Submitted to Voters

22 Section 2960.29. Draft of argument favoring measure.

23 (a) Whenever the Legislature submits any measure
24 to the voters, the author of the measure and one
25 member of the Legislature who voted with the majority
26 for the submission of the measure, shall be appointed
27 by the Speaker, to draft an argument for the adoption
28 of the measure. This argument shall not exceed five
29 hundred (500) words in length.

1 (b) If the author of the measure desires separate
2 arguments to be written in its favor by each person
3 appointed, separate arguments may be written, but
4 the combined length of the two arguments shall not
5 exceed five hundred (500) words.

6 Section 2960.30. Draft of argument opposing measure.
7 If a measure to be submitted to the voters by the Legisla-
8 ture was not adopted unanimously, one member who voted
9 against it shall be appointed by the Speaker, at the same
10 time as appointments to draft an argument in its favor
11 are made, to write an argument against the measure. The
12 opposing argument shall not exceed five hundred (500) words.

13 Section 2960.31. Submission of drafts to Election
14 Commission; amendment. Arguments prepared by legislators
15 appointed by the Speaker shall be submitted to the Election
16 Commission within forty-five (45) days after the adoption
17 of the Legislative submission measure by the Legislature.
18 If the arguments are not submitted within forty-five (45)
19 days the measure shall not be submitted to the voters.

20 Section 2960.32. Filing of voter's argument for
21 initiative or referendum. Any voter or group of voters
22 may, no less than forty-five (45) days prior to the elec-
23 tion at which the measure is to be presented to the voters,
24 prepare and file with the Election Commission an argument
25 for or against any initiative or referendum measure or
26 legislative submission. The argument shall not exceed
27 five hundred (500) words in length.

1 Section 2960.33. Priorities in selection of argument.

2 If more than one argument for or more than one argument
3 against any measure is filed within the time prescribed,
4 the Election Commission shall select one of the arguments
5 for printing in the ballot pamphlets. In selecting the
6 argument, the Election Commission shall give preference
7 and priority in the order named to the arguments of the
8 following:

9 (a) In the case of a legislative submission,
10 members of the Legislature.

11 (b) Bona fide associations of citizens.

12 (c) Individual voters.

13 Section 2960.34. Signatures on arguments. No more
14 than three (3) signatures shall appear with any argument
15 printed in the ballot pamphlet. In case any argument is
16 signed by more than three (3) persons the signature of the
17 first three shall be printed.

18 Section 2960.35. Analysis of measure. Whenever any
19 measure qualifies for a place on the ballot, the Election
20 Commission shall prepare an impartial analysis of the
21 measure showing the effect of the measure on the existing
22 law and the operation of the measure.

23 The analysis shall be printed in the ballot pamphlet
24 between the ballot title and the arguments for and against
25 the measure. The length of the analysis shall not exceed
26 five hundred (500) words, except with the approval of the
27 Election Commission.

28 Section 2960.36. Printing of ballot pamphlets. The
29 Election Commission shall cause to be printed one and one-
30 tenth times as many ballot pamphlets as there are registered
31 voters.

1 Section 2960.37. Contents of pamphlet. The ballot
2 pamphlets shall contain:

3 (a) A complete copy of any measure submitted to
4 the voters by:

5 (1) The Legislature

6 (2) Initiative or referendum petition.

7 (b) A copy of the specific statutory provision,
8 if any, proposed to be affected.

9 (c) A copy of the arguments provided for in this
10 Chapter.

11 (d) The analysis and ballot title provided for
12 in this Chapter.

13 Section 2960.38. Format of pamphlets. The Election
14 Commission shall prescribe the format of the ballot pamphlet
15 subject to the conditions set forth in Sections 2960.35.
16 and 2960.37 and further subject to the condition that the
17 required material be presented in a manner to facilitate
18 comprehension.

19 Section 2960.39. Mailing of ballot pamphlet. As soon
20 as copies of the ballot pamphlet are available, the Election
21 Commission shall mail immediately the following number of
22 copies to the following persons and places:

23 (a) One copy to each registered voter;

24 (b) One copy to each village Commissioner;

25 (c) One copy to each judge of the Superior

26 Court; and

27 (d) One copy to each Senator.

28 Section 2960.40. Rules and regulations. Pursuant to
29 its powers under Chapter II, Title III of the Government
30 Code, the Election Commission shall promulgate the necessary

1 administrative rules and procedures to effectuate the pur-
2 poses of this Chapter."

3 Section 2. The sum of Fifteen Thousand Dollars (\$15,000)
4 is authorized to be appropriated to the Election Commission for
5 the initial implementation of this Act.

6 Section 3. Effective Date, Implementation, and Sever-
7 ability. This Act shall be effective upon adoption, provided
8 that in order to provide sufficient time for administrative
9 implementation of this Act, no petition may be filed with the
10 Election Commission pursuant to Section 2960.6 or 2960.17 prior
11 to July 1, 1977.

12 If any part or parts of this Act are found to be inconsis-
13 tent with the Constitution of the United States or the Organic
14 Act, the remainder of the Act shall remain in force.

15 If the Organic Act is replaced by a popularly developed
16 Constitution, this Act shall be deemed to be re-enacted pursuant
17 to said Constitution. If said Constitution contains provisions
18 dealing with initiative, referendum and legislative submission
19 which are inconsistent with the provisions of this Act, this
20 Act shall be deemed to be amended to conform to the Constitu-
21 tional provisions.

22 Section 4. Charles McDonald of Agana Heights, Guam, having
23 a claim against the government of Guam on account of damage
24 done to his property following the erection of a "Tent City"
25 thereon after Typhoon Karen in 1962, and the government of Guam
26 having a claim against Charles McDonald for non-payment of real
27 property taxes upon said lot, namely, Lot No. 49-2-1, Sinajana,
28 Guam, in full release and satisfaction of any claim against
29 Charles McDonald might or could have against the government of
30 Guam arising out of the use and occupancy by the government of
31 Guam of said lot following Typhoon Karen, the unpaid real estate
32 taxes upon said lot (excluding current and future taxes not yet
33 due and payable) are hereby forgiven.