

Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
OFISINAN UMAGALAH
AGANA, GUAM 96910, U.S.A.

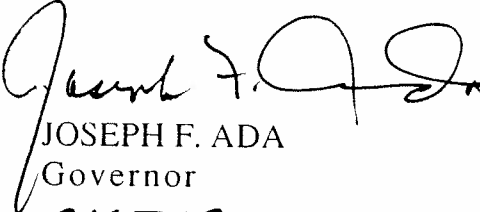
MAR 31 1992

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

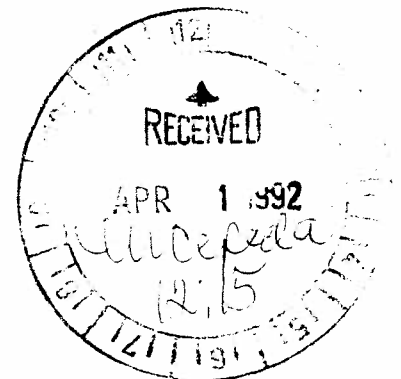
Dear Mr. Speaker:

Transmitted herewith is Bill No. 756, which I have signed into law
this date as Public Law 21-100 .

Sincerely yours,


JOSEPH F. ADA
Governor
210729

Attachment



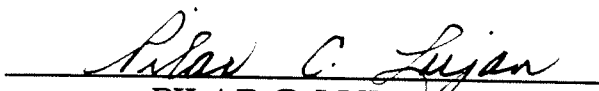
TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

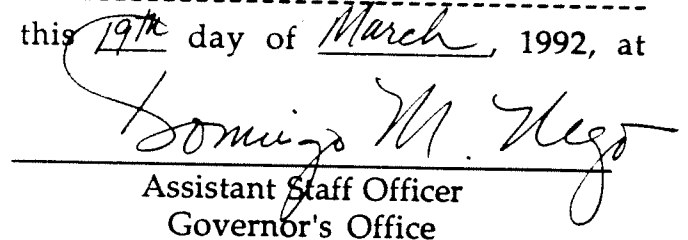
This is to certify that Substitute Bill No. 756 (LS), "AN ACT TO REPEAL AND REENACT §3111, TO AMEND §§3106 AND 4102, TO REPEAL AND REENACT §§9124 AND 9125, TO REPEAL §9126, TO AMEND §8103, AND TO ADD A NEW PARAGRAPH (c) TO §10102, ALL OF TITLE 3, GUAM CODE ANNOTATED, INCREASING THE COMPENSATION OF REGISTRATION CLERKS, AND THE NUMBER OF VOTERS PER POLLING PLACE; DETERMINING RESIDENCY; DEFINING "VISUAL PANORAMA"; AND PROVIDING SINGLE ABSENTEE APPLICATION FOR THE PRIMARY AND GENERAL ELECTIONS," was on the 13th day of March, 1992, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

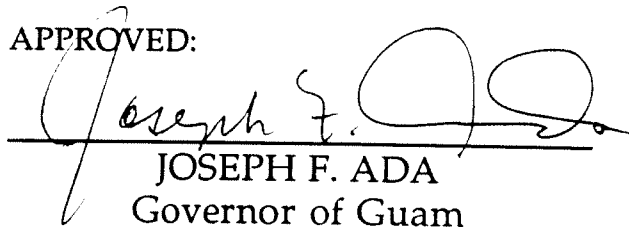
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of March, 1992, at 11:15 o'clock a.M.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: MAR 31 1992

Public Law No. 21-100

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 756 (LS)

As substituted by the Committee
on General Governmental Operations
and as further substituted on the
floor.

Introduced by:

H. D. Dierking
F. R. Santos
C. T. C. Gutierrez
M. D. A. Manibusan
J. P. Aguon
E. P. Arriola
J. G. Bamba
A. C. Blaz
M. Z. Bordallo
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
P. C. Lujan
G. Mailloux
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §3111, TO AMEND §§3106 AND 4102, TO REPEAL AND REENACT §§9124 AND 9125, TO REPEAL §9126, TO AMEND §8103, AND TO ADD A NEW PARAGRAPH (c) TO §10102, ALL OF TITLE 3, GUAM CODE ANNOTATED, INCREASING THE COMPENSATION OF REGISTRATION CLERKS, AND THE NUMBER OF VOTERS PER POLLING

PLACE; DETERMINING RESIDENCY; DEFINING
"VISUAL PANORAMA"; AND PROVIDING SINGLE
ABSENTEE APPLICATION FOR THE PRIMARY AND
GENERAL ELECTIONS.

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

2 **Section 1.** §3111 of Title 3, Guam Code Annotated, is hereby repealed
3 and reenacted to read as follows:

4 "§3111. **Compensation of Registration Clerks.** Any person
5 who is appointed a Registration Clerk shall receive compensation at
6 a rate of Six Dollars (\$6) per hour. Any employee of the government
7 of Guam who is appointed to be a Registration Clerk and who
8 performs such duties during normal working hours shall not be
9 entitled to receive the compensation authorized by this Section."

10 **Section 2.** §4102 of Title 3, Guam Code Annotated, is hereby amended
11 to read as follows:

12 "§4102. **Number of voters per polling place.** The Commission
13 shall fix and designate polling places within each precinct in such
14 manner that the total number of voters estimated at each polling
15 place will not substantially exceed seven hundred (700)."

16 **Section 3.** §8103 of Title 3, Guam Code Annotated, is hereby amended
17 to read as follows:

18 "§8103. **Cessation of Campaigning.**

19 All campaigning for the purposes of election shall cease before
20 the time the polls open and shall remain inactive during the period
21 that polls are opened. For the purposes of this Section, the term
22 "campaigning" shall include but is not limited to any newspaper or

1 broadcast advertisements appearing on election day, the distribution
2 of campaign literature and to the display of any campaign material,
3 signs, posters or the like within the visual panorama of any election
4 poll. "Visual panorama" includes the ability to see any part,
5 including the top, bottom, or sides, of any campaign material, signs,
6 posters or the like."

7 **Section 4.** §9124 of Title 3, Guam Code Annotated, is hereby repealed
8 and reenacted to read as follows:

9 "§9124. **Rules for determining residency.** In determining
10 residency according to these rules a spouse may treat herself or
11 himself separately from her or his spouse. The following rules shall
12 determine residency of voters and candidates:

13 (a) The residency of a person is that place where he
14 lives, and to which, whenever he is absent, he has the intention
15 to return.

16 (b) A person does not gain residency in the territory or
17 any voting district into which he comes without the present
18 intention of establishing his permanent dwelling place within
19 the territory or such voting district.

20 (c) If a person resides with his family in one place, and
21 does business or maintains real property in another place, the
22 former is his place of residence; but any person having a family,
23 who establishes his dwelling place other than with his family,
24 with the intention of remaining there shall be considered a
25 resident where he established such dwelling place.

26 (d) The mere intention to acquire a new residence

1 without physical presence at such place does not establish
2 residence. For the purposes of an election, there can be only
3 one residence.

4 (e) A person does not obtain or lose residency solely by
5 reason of his presence or absence while employed in the service
6 of the United States, or of the territory, or while a student at
7 an institution of learning, or while kept in an institution, a
8 hospital, or asylum, or while confined in prison.

9 (f) A person loses his residency in the territory if he
10 applies to register to vote or votes in an election held in
11 another state, territory or place by absentee ballot or in person.

12 (g) No person who is registered to vote in another
13 jurisdiction may vote in Guam until his name is removed or
14 requested to be removed from such registration. The
15 Commission shall provide affidavit forms for the removal of
16 names of voters from the election rolls of other jurisdictions."

17 **Section 5.** §9125 of Title 3, Guam Code Annotated, is hereby repealed
18 and reenacted to read as follows:

19 "§9125. **Overseas citizens.** (a) Notwithstanding the provisions
20 of §9124 respecting residency, any citizen of the United States living
21 outside of the United States shall be considered a resident of Guam
22 and shall have the right to register according to the terms of this
23 Chapter, **provided**, that:

24 (1) Immediately before abandoning the Guam domicile,
25 he could have met all qualifications except for the
26 qualifications relating to minimum voting age;

1 (2) He has complied with all registration requirements;
2 and

3 (3) He does not maintain a domicile, is not registered to
4 vote, and is not voting in any other place.

5 (b) It is necessary that the overseas registrant maintain the
6 intent to return to Guam.

7 (c) A person loses his residency in the territory if he applies to
8 register to vote or votes in an election held in another jurisdiction by
9 absentee ballot or in person.

10 (d) No person who is registered to vote in another jurisdiction
11 may vote in Guam until his name is removed or requested to be
12 removed from such registration. The Commission shall provide
13 affidavit forms for the removal of names of voters from the election
14 rolls of other jurisdictions.

15 (e) Any person who violates any of the above prohibitions shall
16 be guilty of a misdemeanor. These prohibitions shall be clearly
17 displayed on every application for a ballot and at every registration
18 and voting site on Guam."

19 **Section 6.** §9126 of Title 3, Guam Code Annotated, is hereby repealed in
20 its entirety.

21 **Section 7.** A new paragraph (c) is hereby added to §10102 of Title 3,
22 Guam Code Annotated, to read as follows:

23 "(c) An application submitted for the primary election shall be
24 considered an application for the subsequent general election."

25 **Section 8.** A new paragraph (b) is hereby added to §3106 of Title 3,
26 Guam Code Annotated, to read:

1 "(b) No registered voter may be transferred from one village
2 or district to another village or district for voting purposes during
3 the registration period between any primary and general election
4 held in the same calendar year, but shall be allowed to vote in the
5 precinct where registered with the transfer effective after the
6 general election. This subsection does not apply to unregistered
7 voters who were not registered in the primary election but who seek
8 to register for the general election."

9 **Section 9.** §9113 of Title 3, Guam Code Annotated, is amended to read:

10 "§9113. **Electioneering at polling place prohibited.** No person
11 shall do any electioneering on election day within one hundred feet
12 (100') of any entrance and/or exit of any polling place. In the case of
13 the use of a school the entrance is defined as the gate to the fence, if
14 the school is fenced."



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

CHAIRPERSON:

March 7, 1992

Rules

**General
Governmental
Operations**

Honorable Joe T. San Agustin
Speaker
Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

Re: Chairperson, Committee on Rules

Dear Mr. Speaker:

MEMBER:

**Economic and
Agricultural
Development**

The Committee on General Governmental Operations, to which was referred Bill No. 756, "An act to repeal and reenact §3111, to amend §4102, to repeal and reenact §§ 9124 and 9125, to repeal §9126 and to add a new Paragraph (c) to §10102, all of Title 3, Guam Code Annotated, increasing the compensation of registration clerks, and the number of voters per polling place, determining and respecting residency, and to provide for single absentee application for the primary and general elections," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

Education

**Health,
Ecology and
Welfare**

The Committee votes are as follows:

**Housing
Community
Development,
Federal and
Foreign Affairs**

TO DO PASS	<u>- 10 -</u>
NOT TO PASS	<u>- 0 -</u>
INACTIVE FILE	<u>- 0 -</u>
ABSTAIN	<u>- 0 -</u>

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

**Youth, Senior
Citizens, and
Cultural Affairs**

Sincerely,

HERMINIA D. DIERKING

Enclosure:

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
VOTE SHEET
ON SUBSTITUTE BILL NO. 756

AN ACT TO REPEAL AND REENACT §3111, TO AMEND §4102, TO REPEAL AND REENACT §§9124 AND 9125 TO REPEAL §9126 AND TO ADD A NEW PARAGRAPH (c) TO § 10102 ALL OF TITLE 3, GUAM CODE ANNOTATED, INCREASING THE COMPENSATION OF REGISTRATION CLERKS, AND THE NUMBER OF VOTERS PER POLLING PLACE, DETERMINING AND RESPECTING RESIDENCY, AND TO PROVIDE FOR SINGLE ABSENTEE APPLICATION FOR THE PRIMARY AND GENERAL ELECTIONS.

RECOMMENDATION TO DO PASS

COMMITTEE MEMBERS:	TO DO PASS	NOT TO PASS	INACTIVE FILE:	ABSTAIN:
<u><i>H. D. Dierking</i></u> H. D. Dierking, Chairperson	✓	_____	_____	_____
<u><i>F. R. Santos</i></u> F. R. Santos, Vice-Chairperson	✓	_____	_____	_____
<u><i>J. T. San Agustin</i></u> J. T. San Agustin, Speaker & Ex-Officio	✓	_____	_____	_____
<u><i>J. G. Bamba</i></u> J. G. Bamba, Member	✓	_____	_____	_____
<u><i>A. C. Blaz</i></u> A. C. Blaz, Member	✓	_____	_____	_____
<u><i>E. R. Duenas</i></u> E. R. Duenas, Member	✓	_____	_____	_____
<u><i>C. T.C. Gutierrez</i></u> C. T.C. Gutierrez, Member	✓	_____	_____	_____
<u><i>P. C. Lujan</i></u> P. C. Lujan, Member	✓	_____	_____	_____
<u><i>Marilyn Manibusan</i></u> M. D.A. Manibusan, Member	✓ <i>ndm</i>	_____	_____	_____
<u><i>D. Parkinson</i></u> D. Parkinson, Member	_____	_____	_____	_____

TWENTY-FIRST GUAM LEGISLATURE
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

REPORT ON
SUBSTITUTE BILL NO. 756

AN ACT TO REPEAL AND REENACT §3111, TO AMEND §4102, TO §§ 9124 AND 9125 AND TO REPEAL §9126, AND TO ADD A NEW PARAGRAPH (c) TO §10102 ALL OF TITLE 3, GUAM CODE ANNOTATED, INCREASING THE COMPENSATION OF REGISTRATION CLERKS, AND THE NUMBER OF VOTERS PER POLLING PLACE; DETERMINING AND RESPECTING RESIDENCY; AND TO PROVIDE FOR SINGLE ABSENTEE APPLICATION FOR THE PRIMARY AND GENERAL ELECTIONS.

Introduced by
Senator Herminia D. Dierking

PREFACE:

The Committee on General Governmental Operations, to which was referred the above captioned measure, conducted a public hearing on Wednesday, February 19, 1992 at 10:00 a.m. in the Legislative Public Hearing Room.

Committee members present were Senator Herminia D. Dierking Chairperson, and Senators Anthony C. Blaz, and Eddie R. Duenas.

NOTIFICATION:

Letters were sent to the Governor, the Executive Director, Guam Election Commission; the Attorney General; the Director, Bureau of Budget and Management Research; the President, Mayors' Council of Guam; to the Members; the news media and the general public.

TESTIMONY:

Although no one testified at the hearing, Substitute Bill No. 756 is a culmination of the desires of the Guam Election Commission. The Commission since the Twentieth Guam Legislature have expressed their desires to amend, repeal and reenact certain provisions of Title 3, Guam Annotated. Therefore, it is the Committee's intent to report out Substitute Bill No. 756 addressing the concerns of the Election Commission.

SECTION ANALYSIS:

Please refer to page entitled "Profile on Substitute Bill No. 756."

RECOMMENDATION:

The Committee on General Governmental Operations, to which was referred Bill No. 756, "An act to repeal and reenact §3111, to amend §4102, to repeal and reenact §§ 9124 and 9125, to repeal §9126, and to add a new Paragraph (c) to §10102 all of Title 3, Guam Code Annotated, increasing the compensation of registration clerks, and the number of voters per polling place, determining and respecting residency, and to provide for single absentee application for the primary and general elections," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted by the Committee.

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 756
Substituted by the Committee on
General Governmental Operations

Introduced by:

H. D. Dierking
F.R. SANTOS - B
[Signature]
M. Manibusan

AN ACT TO REPEAL AND REENACT §3111,
TO AMEND §4102, TO REPEAL AND
REENACT §§ 9124 AND 9125 TO REPEAL
§9126 AND TO ADD A NEW PARAGRAPH (c)
TO §10102 ALL OF TITLE 3, GUAM CODE
ANNOTATED, INCREASING THE COM-
PENSATION OF REGISTRATION CLERKS,
AND THE NUMBER OF VOTERS PER
POLLING PLACE; DETERMINING AND
RESPECTING RESIDENCY; AND TO
PROVIDE FOR SINGLE ABSENTEE APPLI-
CATION FOR THE PRIMARY AND
GENERAL ELECTIONS.

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

3 Section 1. §3111 of Title 3, Guam Code Annotated is hereby
4 repealed and reenacted to read as follows:

5 "§3111. Compensation of Registration Clerks. Any
6 person who is appointed a Registration Clerk shall receive
7 compensation at a rate of Six Dollars (\$6.00) an hour. Any
8 employee of the government of Guam who is appointed to be
9 a Registration Clerk and who performs such duties during
10 normal working hours shall not be entitled to receive
11 compensation authorized by this Section."

1 Section 2. §4102 of Title 3, Guam Code Annotated is hereby
2 amended to read as follows:

3 "§4102. Number of Voters Per Polling Place. The
4 Commission shall fix and designate polling places within
5 each precinct in such manner that the total number of
6 voters estimated at each polling place will not substantially
7 exceed [five hundred (500)] seven hundred (700)."

8 Section 3. §9124 of Title 3, Guam Code Annotated is hereby
9 repealed and reenacted to read as follows:

10 "§9124. Rules for Determining Residency. In
11 determining residency according to these rules a spouse
12 may treat herself separate from her husband. The following
13 rules shall determine residency of voters and candidates:

14 (a) The residency of a person is that place
15 where he lives, and to which, whenever he is absent, he
16 has the intention to return.

17 (b) A person does not gain residency in the
18 territory or any voting district into which he comes
19 without the present intention of establishing his
20 permanent dwelling place within the territory or such
21 voting district.

22 (c) If a person resides with his family in one
23 place, and does business or maintained real property
24 in another place, the former is his place of residence;
25 but any person having a family, who establishes his
26 dwelling place other than with his family, with the
27 intention of remaining there shall be considered a
28 resident where he established such dwelling place.

29 (d) The mere intention to acquire a new
30 residence without physical presence at such place does
31 not establish residence. For the purposes of the
32 election, there can be only one residence.

33 (e) A person does not obtain or lose a residence
34 solely by reason of his presence or absence while

1 employed in the service of the United States, or of the
2 territory, or while a student at an institution of
3 learning, or while kept in an institution, a hospital, or
4 asylum, or while confined in prison.

5 (f) No member of the Armed Forces of the
6 United States, his spouse or his dependent is a
7 resident of the territory solely by reason of being
8 stationed in the territory.

9 (g) A person loses his residency in the territory
10 of he votes in an election held in another state or
11 territory by absentee ballot or in person.

12 (h) Any person who resides outside the
13 territory for more than one hundred eighty (180)
14 consecutive days or who has purchased and is residing
15 in a dwelling outside the territory for more than thirty
16 (30) consecutive days, and cannot state with some
17 certainty the duration of his absence from the
18 territory is presumed to have abandoned his
19 residency. This presumption shall not apply to any
20 person who attests that he is:

21 (1) in attendance at an institution of
22 learning; or

23 (2) receiving treatment at a medical
24 institution; or

25 (3) actively serving in the United States
26 Armed Forces or the United States Merchant
27 Marines; or

28 (4) engaged in navigation; or

29 (5) accompanying a spouse who is in any
30 of the above."

31 Section 4. §9125 of Title 3, Guam Code Annotated is hereby
32 repealed and reenacted to read as follows:

33 "§9195. Overseas Citizens. (a) Notwithstanding the
34 provisions of §9124 respecting residency, any citizen of the
35 United States residing outside of the United States shall

1 have the right to register according to the terms of this
2 Chapter, provided:

3 (1) He was last domiciled in the territory
4 immediately prior to his departure from the United
5 States;

6 (2) Immediately before abandoning the Guam
7 domicile, he could have met all qualifications except for
8 the qualifications relating to minimum voting age;

9 (3) He has complied with all registration; and

10 (4) He does not maintain a domicile, is not
11 registered to vote, and is not voting in any other State.

12 (b) It is necessary that the overseas registrant
13 maintain a certain intent to return to Guam.

14 (c) For the purposes of this Act the term "United
15 States" includes the several states, the District of Columbia,
16 the Commonwealth of Puerto Rico, and the Virgin Islands,
17 but does not include American Samoa, the Canal Zone, the
18 federal States of Micronesia, the Republic of Belau, the
19 Government of the Marshall Islands, the Commonwealth of
20 the Northern Mariana islands, or any other territory or
21 possession of the United States."

22 Section 5. §9126 of Title 3, Guam Code Annotated is hereby
23 repealed in its entirety.

24 Section 6. A new Paragraph (c) is hereby added to §10102 of
25 Title 3, Guam Code Annotated to read as follows:

26 "(c) An application submitted for the primary election
27 shall be considered an application for the subsequent
28 general election."

**PROFILE ON
SUBSTITUTE BILL NO. 756**

Short Title: "Repeal and Reenact Certain Provisions of Title 3, Guam Code Annotated, the Election Code "

Main Sponsors: Senator Herminia D. Dierking.

Date Introduced: Friday, February 7, 1992.

Referral: Friday, February 7, 1992 to the Committee on General Governmental Operations.

Public Hearing: Wednesday, February 19, 1992.

Official Title: "An act to Repeal and Reenact §3111, to Amend §4102, to Repeal and Reenact §§ 9124 and 9125, to Repeal §9126, and to add a new Paragraph (c) to §10102 all of Title 3, Guam Code Annotated, Increasing the compensation of Registration Clerks, and the Number of Voters per Polling Place; Determining and Respecting Residency; and to Provide for single absentee application for the Primary and General Elections."

Co-Sponsors:

Recommendation: To do pass as substituted.

INTENT

Section 1. Repeals and Reenacts §3111 of Title 3, Guam Code Annotated. The main intent of §3111 is to increase the salary of Registration Clerks from \$4.00 to \$6.00 per hour.

Employees of the government appointed to serve as a Registration Clerks and performs such duties during normal working hours shall not be entitled to compensation.

Section 2. Amends §4102 of Title 3, Guam Code Annotated. The amendment contained herein is designed to increase the number of voters per polling places from 500 to 700. The current law provides that the total number of voters at each polling place will not exceed 500.

Sections 3 and 4. Repeals and Reenacts §§ 9124 §9125 of Title 3, Guam Code Annotated. The intent of §9125 is to respect the residency of citizens residing outside the territory, and to allow them to register and vote in territorial elections, provided they meet the requirements of the Election Commission.

Furthermore, this section will also establish rules in determining residency, and provides the following rules:

1. The residency of a person is that place where he lives, and to which, whenever he is absent, he has the intention to return.
2. A person does not gain residency in the territory or any voting district into which he comes without the present intention of establishing his permanent dwelling place within the territory.
3. If a person resides with his family in one place, and does business or maintains real property in another place, the former is his place of residency; but any person having a family, who establishes his dwelling place other than with his family, with the intention of remaining there shall be considered a resident where he established such dwelling place.
4. The mere intention to acquire a new residence without physical presence at such place does not establish residence. For the purposes of the election, there can only be one residence.

5. A person does not obtain or lose a residence solely by reason of his presence or absence while employed in the service of the United States, or of the territory, or while a student of an institution of learning, or while kept in an institution, a hospital, or asylum or while confined in prison.

6. No member of the Armed Forces of the United States, his spouse or his dependent is a resident of the territory solely by reason of being stationed in the territory.

7. A person loses his residency in the territory if he votes in an election held in another state or territory by absentee ballot or in person.

8. Any person who resides outside the territory for more than 180 consecutive days, or who has purchased and is residing in a dwelling outside the territory for more than 30 consecutive days and cannot state with some certainty the duration of his absence from the territory is presumed to have abandoned his residence.

This presumption shall not apply to persons who attests that he is:

- (a) attending an institution of learning;
- (b) receiving treatment at a medical institution;
- (c) actively serving in the United States Armed Forces or the Merchant Marines;
- (d) engaged in navigation;
- (e) or accompanying a spouse who is engaged in any of the above.

Section 9125 facilitates the implementation of of the established rules in determining residency.

Section 6. Adds a new Paragraph (c) to §10102 of Title 3, Guam Code Annotated. Simply put, the intent of Paragraph (c) provides that absentee voters need only apply once to vote in both the primary and general elections. The current law provides that a person must submit two applications for the purpose of absentee voting. One for the primary and the other for the general election.

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill #: 1510

Introduced by:

H. D. Dierking *HD*

92FF00-7 P.14:37

AN ACT TO REPEAL AND REENACT §9125
OF TITLE 3, GUAM CODE ANNOTATED
PERTAINING TO OVERSEAS CITIZENS
AND THE RIGHT TO REGISTER AND VOTE
IN THE TERRITORY OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM;

3 Section 1. §9125 of Title 3, Guam Code Annotated is hereby
4 repealed and reenacted to read as follows:

5 "§9195. Overseas Citizens. (a) Notwithstanding the
6 provisions of §9124 respecting residency, any citizen of the
7 United States residing outside of the United States shall
8 have the right to register according to the terms of this
9 Chapter, provided:

10 (1) He was last domiciled in the territory
11 immediately prior to his departure from the United
12 States;

13 (2) Immediately before abandoning the Guam
14 domicile, he could have met all qualifications except for
15 the qualifications relating to minimum voting age;

16 (3) He has complied with all registration; and

17 (4) He does not maintain a domicile, is not
18 registered to vote, and is not voting in any other State.

19 (b) It is necessary that the overseas registrant
20 maintain a certain intent to return to Guam.

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(c) For the purposes of this Act the term "United States" includes the several states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the federal States of Micronesia, the Republic of Belau, the Government of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States."



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

Committees:

CHAIRPERSON:

Rules

**General
Governmental
Operations**

VICE CHAIRPERSON:

Ways & Means

**Energy
Utilities and
Consumer
Protection**

MEMBER:

**Economic and
Agricultural
Development**

Education

**Health,
Ecology and
Welfare**

**Housing
Community
Development,
Federal and
Foreign Affairs**

**Judiciary
and
Criminal Justice**

**Tourism and
Transportation**

**Youth, Senior
Citizens, and
Cultural Affairs**

February 11, 1992

MEMORANDUM

TO: Chairperson, Committee on General
Governmental Operations

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill No. 756

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.


HERMINIA D. DIERKING

Enclosure

Rec'd 2/12/92

Bae

Committee on
General Governmental Operations

Public Hearing
Wednesday, February 19, 1992

A G E N D A

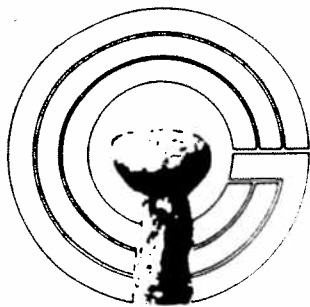
✓ Bill No. 180 "An act to amend Sections 3102 and 3110 of Title 3, Guam Code Annotated relating to Voter Registration Clerks."

✓ Bill No. 756 "An act to repeal and reenact Section 9125 of Title 3, Guam Code Annotated pertaining to Overseas Citizens and the right to Register and Vote in the Territory of Guam."

✓ Bill No. 17 "An act to amend Chapter VII of Title XI of the Government Code of Guam to Strengthen enforcement by Guam's Contractor's License Board."

Bill No. 21 "An act to Establish a Protocol Guide and to adopt an official Flag for Guam."

A D J O U R N M E N T



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

February 19, 1992

Senator Herminia D. Dierking
Chairperson, Committee on General Operations
21st Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Madam Chairperson and Members of the Committee:

Thank you very much for the invitation you extended to the Guam Chamber of Commerce to participate at this morning's public hearing on several bills, among them being Bill Nos. 180 and 756 which propose amendments to Guam's current statutes relative to elections.

We would like to inform you that the bills are being reviewed by our Legislative Review Committee and we consequently will not be able to take part in the Committee's discussions on the measures this morning. I need the comfort to report the findings of the Legislative Review Committee to the entire Chamber Board of Directors before action on the bills can be taken.

We look forward to working with the Committee.

Very truly yours,

PETER R. SGRO, JR.
Chairman of the Board

WITNESS SHEET
Committee on General Governmental Operations

PUBLIC HEARING

On Bill No. 756
An act to repeal and reenact §9125 of Title 3, Guam Code Annotated pertaining to Overseas Citizens and the right to Register and Vote in the Territory of Guam.

Wednesday, February 19, 1992
10:00 a.m., Legislative Public Hearing Room

NAME:	REPRESENTING: AGENCY/SELF	TESTIMONY: W/O
1. <i>Guam Chamber of Commerce</i>		<i>Written</i>
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11.		


W/O: WRITTEN/ORAL

MAR 7 '92

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 756(LS)

Introduced by:

H. D. Dierking 

AN ACT TO REPEAL AND REENACT §9125
OF TITLE 3, GUAM CODE ANNOTATED
PERTAINING TO OVERSEAS CITIZENS
AND THE RIGHT TO REGISTER AND VOTE
IN THE TERRITORY OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM;

3 Section 1. §9125 of Title 3, Guam Code Annotated is hereby
4 repealed and reenacted to read as follows:

5 "§9195. Overseas Citizens. (a) Notwithstanding the
6 provisions of §9124 respecting residency, any citizen of the
7 United States residing outside of the United States shall
8 have the right to register according to the terms of this
9 Chapter, provided:

10 (1) He was last domiciled in the territory
11 immediately prior to his departure from the United
12 States;

13 (2) Immediately before abandoning the Guam
14 domicile, he could have met all qualifications except for
15 the qualifications relating to minimum voting age;

16 (3) He has complied with all registration; and

17 (4) He does not maintain a domicile, is not
18 registered to vote, and is not voting in any other State.

19 (b) It is necessary that the overseas registrant
20 maintain a certain intent to return to Guam.

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(c) For the purposes of this Act the term "United States" includes the several states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the federal States of Micronesia, the Republic of Belau, the Government of the Marshall Islands, the Commonwealth of the Northern Mariana islands, or any other territory or possession of the United States."