



OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

JUN 24 1996

The Honorable Ted S. Nelson  
Acting Speaker  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Office of VICE-SPEAKER TED S. NELSON	
Received by	
bobbi	b
Print Name	Initial
Date: 6-25-96	Time: 10:45am

Dear Speaker Nelson:

Enclosed please find copy of Substitute Bill No. 418 (LS), "AN ACT TO ADD A NEW §17212 TO CHAPTER 17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF THIRTY (30) DAYS FOR INITIATIVES AND OTHER SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF GUAM AS A MEANS OF ENCOURAGING PUBLIC PARTICIPATION IN THE PROCESS OF ESTABLISHING POLICY FOR THE TERRITORY IN A COST-EFFECTIVE MANNER; AND TO REQUIRE THAT SPECIAL ELECTIONS BE CALLED ONLY BY THE GOVERNOR OR LEGISLATURE AND NOT WITHIN NINETY (90) DAYS OF A GENERAL ELECTION", which I have **signed** into law today as Public Law 23-102.

This legislation would reduce the expense of conducting a special election on an issue which is submitted to the voters of Guam to decide. Although there are some drawbacks to this 1-site system of conducting special elections, I am counting on the Legislature to examine the drawbacks and make some subsequent amendments to refine this system.

Some of the drawbacks which should be refined are the following:

1. Holding the polls open for a 30 day time period to vote on an issue would increase burdens on the Guam Election Commission to provide personnel, security, and so forth to a polling place over an extended time frame. The Election Commission would be responsible for overnight


security of ballots and polling place, as well as entertaining the voting public, for a 1 month period. Perhaps a shorter time period would be advantageous.

2. Although 1 site would be used, the site would rotate to unspecified locations. The voting public may be unaware of where the polling place would be. This would burden the Election Commission to provide continuous publicity, and may in fact be more inconvenient to the voting public, who would have to check continuously during the 1 month voting period for the currently used polling site. For example, a voter may drive to Yigo to vote, hearing that voting is going on there, only to discover that the polling site has already changed to Merizo. Also, securing the main office of the Election Commission while personnel are at satellite areas will spread Election Commission staff rather thinly. Perhaps established sites and time periods should be set up in advance.

3. Although the contents of any voter's ballot is secret, in a small community it will be well-known who has already visited the polling site, making those who have not yet visited the polling site subject to intense and continuous lobbying by special interest groups for the 1 month period. Some provision for protecting the ongoing process should be considered.

A copy of the legislation and the message have also been delivered to the Office of the Legislative Secretary.

Very truly yours,

  
Madeleine Z. Bordallo  
Acting Governor of Guam

Attachment

231196



OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

JUN 24 1996

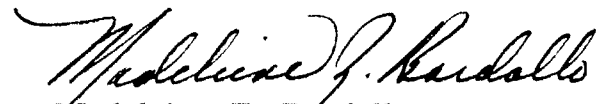
The Honorable Judith Won-Pat Borja  
Legislative Secretary  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910


Dear Madame Legislative Secretary:

Enclosed please find a copy of Substitute Bill No. 418 (LS), "AN ACT TO ADD A NEW §17212 TO CHAPTER 17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF THIRTY (30) DAYS FOR INITIATIVES AND OTHER SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF GUAM AS A MEANS OF ENCOURAGING PUBLIC PARTICIPATION IN THE PROCESS OF ESTABLISHING POLICY FOR THE TERRITORY IN A COST-EFFECTIVE MANNER; AND TO REQUIRE THAT SPECIAL ELECTIONS BE CALLED ONLY BY THE GOVERNOR OR LEGISLATURE AND NOT WITHIN NINETY (90) DAYS OF A GENERAL ELECTION", which I have signed into law today as **Public Law No. 23-102**.

A copy of this legislation and the message have also been delivered to the Office of the Speaker.

Very truly yours,

  
Madeleine Z. Bordallo  
Acting Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	11:00am
Date	6-25-96

Attachments

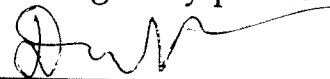
231193

( For File purposes only  
same as Doc No. 231196 )

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 418 (LS), "AN ACT TO ADD A NEW §17212 TO CHAPTER 17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF THIRTY (30) DAYS FOR INITIATIVES AND OTHER SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF GUAM AS A MEANS OF ENCOURAGING PUBLIC PARTICIPATION IN THE PROCESS OF ESTABLISHING POLICY FOR THE TERRITORY IN A COST-EFFECTIVE MANNER; AND TO REQUIRE THAT SPECIAL ELECTIONS BE CALLED ONLY BY THE GOVERNOR OR LEGISLATURE AND NOT WITHIN NINETY (90) DAYS OF A GENERAL ELECTION," was on the 8th day of June, 1996, duly and regularly passed.



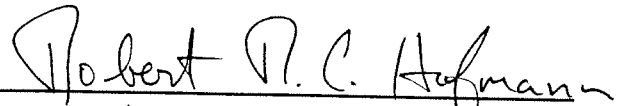
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



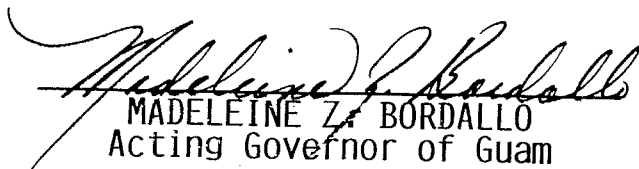
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 12<sup>th</sup> day of June,  
1996, at 9:50 o'clock A.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO  
Acting Governor of Guam

Date: 6/24/96

Public Law No. 23-102

TWENTY-THIRD GUAM LEGISLATURE  
1995 (First) Regular Session

Bill No. 418 (LS)

As amended by the Committee on  
General Governmental Operations  
& Micronesian Affairs, and as substituted  
on the Floor.

Introduced by:

M. Forbes  
A. C. Lamorena V  
T. S. Nelson  
A. C. Blaz  
J. M. S. Brown  
C. Leon Guerrero  
S. L. Orsini  
A. R. Unpingco  
F. P. Camacho  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
M. C. Charfauros  
H. A. Cristobal  
L. Leon Guerrero  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
A. L. G. Santos  
F. E. Santos  
J. Won Pat-Borja

AN ACT TO ADD A NEW §17212 TO CHAPTER 17 OF TITLE 3,  
GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING  
SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF  
THIRTY (30) DAYS FOR INITIATIVES AND OTHER  
SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF  
GUAM AS A MEANS OF ENCOURAGING PUBLIC  
PARTICIPATION IN THE PROCESS OF ESTABLISHING  
POLICY FOR THE TERRITORY IN A COST-EFFECTIVE

MANNER; AND TO REQUIRE THAT SPECIAL ELECTIONS BE CALLED ONLY BY THE GOVERNOR OR LEGISLATURE AND NOT WITHIN NINETY (90) DAYS OF A GENERAL ELECTION.

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

2           **Section 1. Legislative Declaration.** The Legislature finds that it is in  
3 the interest of the Territory that the voters of Guam be granted every  
4 reasonable opportunity to participate directly in the formulation of laws and  
5 policies that govern the Territory. In order to facilitate the regular access of  
6 the voters to the decision-making process, alternative and cost-effective  
7 election methods must be developed, so that financial considerations will not  
8 impede the rights of the people of Guam.

9           **Section 2.** A new §17212 is added to Chapter 17 of Title 3, Guam Code  
10 Annotated, to read:

11           **“§17212. Special Single-Site Elections.** For the purpose of  
12 submitting an initiative measure, a referendum, or any submission by the  
13 Legislature to the electors, the Commission may, pursuant to a call by the  
14 Governor or Legislature, conduct a Special Election dealing only with such  
15 measures, referendums, or submissions during which election a single polling  
16 place shall be designated by the Commission. The single polling place may be  
17 the offices of the Guam Election Commission or may be any other site deemed  
18 appropriate and available by the Commission. The Commission may  
19 geographically alternate the voting site during the thirty (30) day election  
20 period for the purpose of maximizing voter convenience, provided that each  
21 alternate site is open for a period of at least six (6) consecutive days during  
22 the thirty (30) day election period, and further provided that each site be open  
23 to any registered voter in Guam who has not yet voted during the election  
24 period, regardless of the voter's place of residence or district of registration.

1 Registered voters may cast their ballots on the initiative measure at any time  
2 a designated polling place is open during a period of thirty (30) consecutive  
3 calendar days, provided that the first day of the thirty (30) day election period  
4 must be no less than ninety (90) days after the certification of the initiative  
5 measure by the Commission or the enactment of a law placing an initiative  
6 measure before the voters of Guam, and provided further that during the  
7 thirty (30) days election period, the designated polling place shall be open to  
8 voters every day for a minimum of twelve (12) consecutive hours beginning at  
9 8:00 a.m., except Sundays. The Election Commission may not call such an  
10 election on its own initiative. Only the Legislature or the Governor may call  
11 such an election for the purpose of having the electors vote on an initiative  
12 measure, referendum or any submission to the voters by the Legislature.  
13 Such election may not be held within 90 days prior to any Special or General  
14 Election. No counting of ballots shall commence until the termination of the  
15 thirty (30) day election period as described in this Section. For elections as  
16 described in this section, ballots may be counted by any reasonable  
17 methodology determined appropriate by the Commission, including manual  
18 counting, provided that the counting of ballots shall commence no sooner  
19 than the close of the polling place on the final day of the election and no later  
20 than twenty-four (24) hours after the last day of the thirty (30) days election  
21 period."

Date: 6/8/96

VOTING SHEET

Bill No. 418  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.		✓		
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth		✓		
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.		✓		
CHARFAUROS, Mark C //	✓			
CRISTOBAL, Hope A.		✓		
FORBES, -MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta				✓
LEON GUERRERO, Lou				✓
NELSON, Ted S. //	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C		✓		
PARKINSON, Don /	✓			
SAN AGUSTIN, Joe T.	✓	✗		
SANTOS, Angel L. G. //	✓			
SANTOS, Francis E.		✓		
UNPINGCO, Antonio R.		✓		
WONPAT-BORJA, Judith		✓		

TOTAL 10 11 9 8 0 2

CERTIFIED TRUE AND CORRECT:

Recording Secretary





*Ofisinan i Setbienten i Taotao Guahan*  
**Vice-Speaker Ted S. Nelson**

**Chairman**

**Committee on General Governmental Operations and Micronesian Affairs**  
**Twenty-Third Guam Legislature**  
February 13, 1996

**COMMITTEES:**

**Member,**  
Committee on  
Community, Housing  
and Cultural Affairs

**Member,**  
Committee on Education

**Member,**  
Committee on Health,  
Welfare & Senior  
Citizens

**Member,**  
Committee on Judiciary,  
Criminal Justice &  
Environmental Affairs

**Member,**  
Committee on Rules

**Member,**  
Committee on Water  
Utilities & Electronic  
Communications

**Member,**  
Committee on Youth,  
Labor, and Parks &  
Recreation

\*\*\*\*\*

**Director & Vice-President**  
*(Ranking Member),*  
Association of Pacific  
Island Legislatures (APIL)

Honorable Don Parkinson  
Speaker  
23rd Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Mr. Speaker:

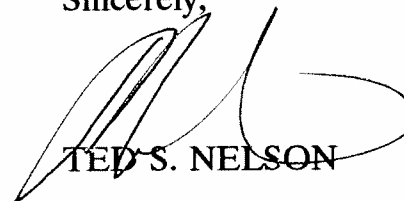
The Committee on General Governmental Operations and Micronesian Affairs, to which was referred **Bill No. 418**, "*An Act to add a new §17212 to Chapter 17, 3 GCA, relative to establishing single-site special elections over a period of thirty (30) days for initiatives and other submissions to the electors in the Territory of Guam as a means of encouraging public participation in the process of establishing policy for the Territory in a cost-effective manner,*" has had the same consideration and now wishes to report back the same with the recommendation to do pass as amended.

The Committee votes are as follows:

To do pass	<u>10</u>
Not to pass	<u>1</u>
To report out only	<u>0</u>
Abstain	<u>0</u>
To place in inactive file	<u>0</u>

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

Sincerely,

  
**TED S. NELSON**

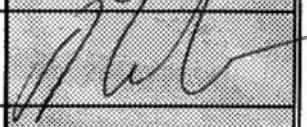
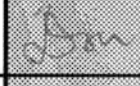

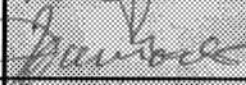
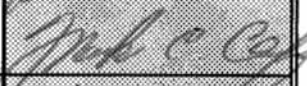
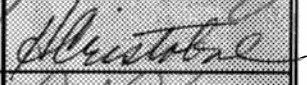
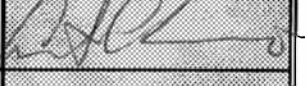
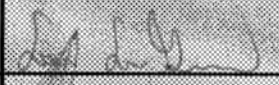
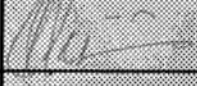
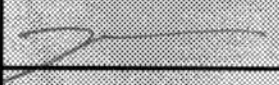
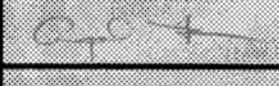
Enclosures

**COMMITTEE ON GENERAL GOVERNMENT OPERATION  
AND MICRONESIAN AFFAIRS**  
Twenty-Third Guam Legislature

**VOTE SHEET on Bill No. 418**

*An Act to add a new §17212. to Chapter 17, 3 GCA, relative to establishing single-site special elections over a period of thirty (30) days for initiatives and other submissions to the Electors in the Territory of Guam as a means of encouraging public participation in the process of establishing policy for the Territory in a cost-effective manner.*

**Recommendation: To Do Pass as Amended by Committee**

Committee Members	To Do Pass	Not To Pass	To Report Out Only	Abstain	To Place in the Inactive File	Signature
Vice-Speaker Ted S. Nelson Chairman	✓					
Speaker Don Parkinson Ex-Officio Member		✓				
Senator Thomas C. Ada						
Senator Anthony C. Blaz	✓					
Senator Felix P. Camacho	✓					
Senator Mark C. Charfauros	✓					
Senator Hope A. Cristobal	✓					
Senator Alberto C. Lamorena V	✓					
Senator Carlotta Leon Guerrero						
Senator Lou Leon Guerrero	✓					
Senator Sonny L. Orsini	✓					
Senator Ben C. Pangelinan	✓					
Senator Angel L.G. Santos	✓					
Senator Judith Won Pat-Borja						
<b>Total Votes:</b>						

TWENTY-THIRD GUAM LEGISLATURE  
1995 (First) Regular Session

Bill No. 418

As amended by the Committee on General  
Governmental Operations and Micronesian  
Affairs

Introduced by:

M. Forbes  
A.C. Lamorena *NLLC*  
T.S. Nelson *W*

---

A.C. Blaz  
J.M.S. Brown  
C. Leon Guerrero  
S.L. Orsini  
A.R. Unpingco  
*FP CAMACHO*

AN ACT TO ADD A NEW §17212. TO CHAPTER  
17, 3 GCA, RELATIVE TO ESTABLISHING  
SINGLE-SITE SPECIAL ELECTIONS OVER A  
PERIOD OF THIRTY (30) DAYS FOR  
INITIATIVES AND OTHER SUBMISSIONS TO  
THE ELECTORS IN THE TERRITORY OF GUAM  
AS A MEANS OF ENCOURAGING PUBLIC  
PARTICIPATION IN THE PROCESS OF  
ESTABLISHING POLICY FOR THE TERRITORY  
IN A COST-EFFECTIVE MANNER.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF

2 GUAM:

3 **Section 1. Legislative Declaration.** The Legislature finds that it  
4 is in the interest of the Territory that the voters of Guam be granted  
5 every reasonable opportunity to participate directly in the formulation of  
6 laws and policies that govern the Territory. In order to facilitate the

1 regular access of the voters to the decision-making process, alternative  
2 and cost-effective election methods must be developed, so that financial  
3 considerations will not impede the rights of the people of Guam.

4 **Section 2.** A new §17212. is added to Chapter 17, 3 GCA to read:

5 **"§17212. Special Single-Site Elections.** For the  
6 purpose of submitting an initiative measure, a referendum,  
7 or any submission by the Legislature to the electors, the  
8 Commission may conduct a Special Election during which a  
9 single polling place shall be designated by the Commission.  
10 The single polling place may be the offices of the Guam  
11 Election Commission or may be any other site deemed  
12 appropriate and available by the Commission. The  
13 Commission may geographically alternate the voting site  
14 during the thirty (30) day election period for the purpose of  
15 maximizing voter convenience, provided that each alternate  
16 site is open for a period of at least seven (7) consecutive  
17 days during the thirty (30) day election period, and further  
18 provided that each site be open to any registered voter in  
19 Guam who has not yet voted during the election period,  
20 regardless of the voter's place of residence or district of  
21 registration. Registered voters may cast their ballots on the  
22 initiative measure at any time a designated polling place is  
23 open during a period of thirty (30) consecutive calendar  
24 days, provided that the first day of the thirty (30) day

1 election period must be no less than ninety (90) days after  
2 the certification of the initiative measure by the Commission  
3 or the enactment of a law placing an initiative measure  
4 before the voters of Guam, and provided further that during  
5 the thirty (30) days election period, the designated polling  
6 place shall be open to voters every day for a minimum of  
7 twelve (12) consecutive hours beginning at 8:00 a.m., except  
8 Sundays. No action by either the Legislature or the  
9 Governor is required for the Commission to schedule a  
10 Special Election as described in this section, provided that  
11 the Legislature or the Governor may call such an election  
12 for the purpose of having the electors vote on an initiative  
13 measure, referendum or any submission to the voters by the  
14 Legislature. No counting of ballots shall commence until the  
15 termination of the thirty (30) day election period as  
16 described in this section. For elections as described in this  
17 section, ballots may be counted by any reasonable  
18 methodology determined appropriate by the Commission,  
19 including manual counting, provided that the counting of  
20 ballots shall commence no sooner than the close of the  
21 polling place on the final day of the election and no later  
22 than twenty-four (24) hours after the last day of the thirty  
23 (30) days election period."

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS  
TWENTY-THIRD GUAM LEGISLATURE  
155 Hessler Street, Agana, Guam 96910

COMMITTEE REPORT

ON

**BILL NO. 418**

*An Act to add a new §17212 to Chapter 17, 3 GCA, relative to establishing single-site special elections over a period of thirty (30) days for initiatives and other submissions to the electors in the Territory of Guam as a means of encouraging public participation in the process of establishing policy for the Territory in a cost-effective manner*

COMMITTEE MEMBERS:

Chairman: Ted S. Nelson  
Ex-Officio Member: Speaker Don Parkinson

Thomas C. Ada	Anthony C. Blaz
Felix P. Camacho	Mark C. Charfauros
Hope A. Cristobal	Alberto C. Lamorena V
Carlotta Leon Guerrero	Lourdes A. Leon Guerrero
Sonny L. Orsini	Ben C. Pangelinan
Angel L.G. Santos	Judith Won Pat-Borja

**PUBLIC HEARING ON  
BILL NO. 418**

**An Act to add a new §17212 to Chapter 17, 3 GCA, relative to establishing single-site special elections over a period of thirty (30) days for initiatives and other submissions to the electors in the Territory of Guam as a means of encouraging public participation in the process of establishing policy for the Territory in a cost-effective manner (*Exhibit A*)**

**I. OVERVIEW**

The Committee on General Governmental Operations and Micronesian Affairs, to which was referred **Bill No. 418 (*Exhibit B - Referral of Bill*)**, conducted a public hearing on December 22, 1995 at the Public Hearing Room of the Guam Legislature Temporary Building in Agana (*Exhibit C - Notice of Public Hearing and Agenda*).

Attending the public hearing were Committee members (*Exhibit D - Attendance Sheet*):

Vice-Speaker Ted S. Nelson, Chairman  
Senator Tom C. Ada  
Senator Mark C. Charfauros  
Senator Alberto C. Lamorena V  
Senator Carlotta Leon Guerrero  
Senator Ben C. Pangelinan.

Senator Mark Forbes was also in attendance.

Appearing before the Committee (*Exhibit E - Witness Sign-In Sheet*) were:

Patrick San Nicolas, President of Taotao Guam Association  
Patricia San Nicolas, Treasurer of Taotao Guam Association

## II. TESTIMONY

GUAM ELECTION COMMISSION: Mr. Henry A. Torres, Executive Director for the Commission sent a letter (*Exhibit F*) informing the Chairman that "... Commission is not taking any position on Bill due to its standing Board Policy not to comment on the merits or demerits of any legislation."

MR. PATRICK SAN NICOLAS appeared before the Committee and submitted testimony (*Exhibit G*) on Bill No. 418. He felt that it would be easier having three polling sites to be located in strategic, well-travelled locations instead of just one. He also suggested that "adding Saturdays with at least one polling station would also be beneficial."

MS. PATRICIA SAN NICOLAS, Treasurer for Taotao Guam Association, appeared and testified before the Committee in support of Bill No. 418. The following is a verbatim transcription of Ms. San Nicolas' testimony:

"This Bill surely is a path for a more participative, democratic island. This will allow for every registered voter to be an active contributor in the process of the formulation of our laws and policies that will be implemented whereby we become empowered to truly exercise our constitutional and, I feel, our obligatory right to vote. Furthermore, Bill 418 will give the people the ability to vote on issues that are important to them without all the hoopla of a general, gubernatorial or senatorial campaign. I am saying this would completely eliminate influences, however, we the voters will be able to decide on the issues at hand.

Finally, please remember that one of the initiatives requiring this special election is the Guam Hotel Casino Gaming Act. This initiative is about our economic growth. Economic growth is about choices and trade offs for which we the people of our Guam must be able to participate in for in decision made one must be able to be permitted to act on those decisions that will affect our livelihood.

Therefore, once again, I am here in support of Bill 418 which will empower us to actively participate in our constitutional and obligatory right to vote."



MR. RAY BAUTISTA, a private citizen, also testified in support of Bill 418. The following is a verbatim transcription of Mr. Bautista's testimony:

"... I am in support of this Bill, Bill 418, from another perspective. I would like to send this message.

Innovative legislation continues to be what we as voters continue to expect from this legislative body. As we continue to walk the path of limited funds caused by all factors, be it government spending, limited federal funds, military downsizing, etc., we must all join in looking for ways to turn the economy around. If you will, look for and search for new revenue programs.

The predecessor of Bill (4)18 is the traditional costly election process. Indeed, the people of Guam can not afford such vehicle for voting for any initiative, particularly just one initiative. In this regard, I applaud the sponsors of Bill 418, those that drafted it up.

In terms of the Commission being the agency to be held responsible for counting the ballots, I only want to comment, if one, they have the adequate staff support to monitor and maintain the twelve hours, six days per week for thirty days as called for in Bill 418. I am equally concerned how the AG's involvement will be on Bill 418 and or GPD, as these agencies are of equal importance on the ballot voting process.

I believe there's a law that says for any special elections, support agencies are needed to insure that things are held properly, expeditiously and legally. One of the key merits of Bill 418 is that it is cost-effective, and I support that. It's intended to cost much less as compared to a regular election. As I understand from media news, it costs about one-third of a regular election process of a tune of about \$180,000. Clearly, we as the voters would like to see that accurate projection of manpower application be conducted such that we can realize substantial savings and the people would like to see that.

Perhaps, the most important aspect of Bill 418 is that it should be limited to one initiative to be placed on the ballot. Should the Legislature decide later or find a way to add one, two or three additional issues, this would kill or muddy the intent of the special

election process again. Now we all know what initiative we're talking about and that is none other than the gaming commission. It has its merits, it has flaws. And later on as we go down the line and seeing some of these merits or discuss some of these merits then I say that it's better doing nothing at all. Right now, we know in Guam that everything else has gone up. Clearly, it is very evident that we as common people out there - I don't know how long we are going to carry this financial burden. We need to realize new revenues, be it gaming, be it any other things that the legislative body, or anybody can point us or head us into. I think that this initiative that was just passed is one of those things that can help and if it can't help us or if you don't think it's going to help us, at least put in a special provision called "sunset." Let's give it a try. But we know that this bill is catered to that initiative that was just recently passed.

With this, Senator, I would like to thank for hearing my short testimony."

**IV. DIALOGUE between Committee Members and individuals testifying on Bill No. 418:**

SENATOR HOPE CRISTOBAL: "I would like to ask the panel, what do you think of keeping those who have voted; remember this is the thirty-day process - what do you think of keeping the names of those that have already voted from the public eye until after the election?"

MR. BAUTISTA: "What do you mean by that, Senator? I'm not quite sure I'm focusing on the question."

SENATOR CRISTOBAL: "Because it is pretty easy to tell who has already voted by just having the people that are employed during the election process, walking around and looking over the names, I want to know what your opinion is about this body finding a way of keeping that much more tight than it is today."

MR. SAN NICOLAS: "Well, I can probably respond to that, based on our experience soliciting for signatures for our initiative. I suggest this Committee look into a voter identification card because when we went out to solicit the signatures, it was very hard. Some people weren't too happy with you asking for an ID and it created a lot of problems for us. It wasn't part of the rules to ask. The only two questions we asked were:

whether they were a registered voter and if they support signing the petition. And of course, some people did support the issue but didn't support the process and they'd like to get this type of issues - these controversial issues - over and done with.

As far as the public information with the voter registration, whatever you call those listing they have, I think that should be kept to the Election Commission themselves. I mean, we have to draw the line between public information and private rights, like your social security, mailing address and stuff like that. It should be a need to know basis with the Election Commission. That's my opinion."

MR. BAUTISTA: "Actually, the control of the signatures in the initiative was caused by the Election Commission. If anybody is to control or wanting to control more of that, I think the agency to deal with is the Election Commission. Of course, initiative is initiative. I agree with what Mr. San Nicolas is saying. A lot of people wants to see the process conducted. A lot of the signatures that were put into the initiative wants to see some things implemented, such as the gaming commission, that's the reason why they signed it.

With respect to once we conduct the special election, I don't believe that anybody would have any access to see who signed or who didn't, because then it is the Election Commission people themselves that would control and maintain the listing. We have no access to that, I don't think. All we access to is the information whether how many people signed and how many people did not sign. I don't see any real thing improper about the information taken for any initiative; this particular initiative. With the exception of, perhaps, social security which the Election Commission - I don't know if they gave that information to anybody, but certainly initiative is just a way of soliciting names that would be interested in any issue."

MR. SAN NICOLAS: "I'd like to add on that because sometimes the issue, like our issue, is very controversial. But people like us, we support the process - the system. Because our issue was so controversial, there were so many different types of accusations being made and if you look at our panel here, we're the working class. We believe in what's right - addressing the issues and taking the ease and burden off the politician, especially like gaming, whether it be abortion, gaming or capital punishment. Any controversial issue should be done through the initiative process. We all know that our religion here on Guam is very

dominant because I'm a Catholic myself. A lot of time that has an affect on the process especially when it deals with controversial issues and it never really gets decided on because of these types of situations."

MR. JOSEPH SANTO TOMAS: "My name is Joseph Santo Tomas and I am a writer of ... Company. I think it's important that the government and the people bond together at this very rare opportunity to get a very good representative sample. I mean, it's very clear in the Legislature when a bill passes, 21 to 0, what the opinion of the Senators are. But when a bill passes 7 to 6, though legal, does it provide a representative sample? If we have 45,000 voters and the top senatorial vote getter say gets only 21,000 or 22,000, yes, he is the top vote getter but he is the representatives sample of that many voters. You have the opportunity and the means to make a very cheap election because the Commission itself would save, I believe, a lot of money in their mandations of educating the people on what the issues are because the media will take care of it. They have investigative reporters and they will dig and dig and dig. I think it will draw people to the polls and if we could get 40,000 voters to the polls, there would be no doubt on where the people stand. I think a 30-day election, whether it'd be single, double, or tri-site would provide that opportunity."

SENATOR FORBES: "The comment about three sites - the reason why when I drafted the bill, I was looking at one site, was to make the election as cost-effective as possible. I can understand that having three sites makes it more convenient, but three sites mean that you have to man three sites. Using the existing one site, the existing staff of the Guam Election Commission will be sufficient for the purposes of administering the election. They wouldn't have to go out and get volunteers, they wouldn't have to go out and get extra people like they do for regular elections.

Also, since the Guam Election Commission already has an office, it would not require additional rent, it will not require anything ... That was not what my thinking was. My thinking was to try and cut cost to the greatest extend possible and to make it as inexpensive as possible because what I see is, is I just don't see it being used in this case or in the case, for instance, of ... The proposal of this Legislature is already submitting to the people of Guam with respect to the membership. The theory I've got here is that we're only 139,000 people and we live on an island that is only two hundred and some square miles. The way I've always understood it - this is just going to sound strange coming from a

Republican, but the Republican form of government that we have - it's called a republican - is an imperfect compromise between the technological inability to access all voters and the desire to have democracy. Ideally, supposedly, in civics they say, that an ideal democracy is one in which every elector decides every issue and yet the reason why we have representative government is because technologically that's not feasible. While that has been the case for hundreds and hundreds of years, and thousands even going all the way back to Athens, I don't know that that's so true anymore. Because of the innovations and in telecommunications, because of the innovations in media, because we do live on the cost of the 21st Century, there are more and more technological advances which are making direct participatory democracy possible. And although there may be difficulties in applying that across the nation of 250 million people, like the United States of America, there are fewer difficulties in doing that when you're talking about 139,000 people living in 200 square miles.

All that this bill is attempting to do is establish a mechanism by which we can do this frequently; not just to decide the issue of gambling, not just to decide issues of legislative composition, but to decide any issue where it makes more sense - and I believe that there are lots of issues where it makes more sense - to directly engage the electors, the voters, in the process of making that decision.

So, my first reaction, when I hear let's expand it to three sites, well, I'd like to do that because obviously there's more access. On the other hand, I don't want to start making this thing so expensive that it winds up just becoming the same old thing, but I have had conversations, I just want you to know, with the Guam Election Commission Director on this to see if there is some way that we can figure out from a cost basis where we can expand the number of sites to two or three without expanding the number of personnel and everything else in the same manner. Maybe we need to adjust the hours, maybe we need to do other things like that, but I do hear you. It's what I'm saying about wanting to make it more convenient, because obviously I do want to make it convenient. The whole reason why we spread this thing over 30 days is so that people have a choice. If they can't make it down there Monday at 3 o'clock, well maybe they're going to the doctor Wednesday at 2 o'clock and they'll stop by and vote then. There's no reason - even though that's a radical notion to those of us that are locked into the minds said that an election has to happen at the same time in one day, who says? I don't know if you ever realized this, this already happens. What we are

describing in this bill already happens right now. If you are a home-bound voter, if you are a voter whose planning on being off-island during the election, what do you do? Lot of times what happens is people get driven down to the Guam Election Commission; they go into the Guam Election Commission and not on the day of the election, on a day prior to the election, they cast their ballot; and that's not just on an initiative - that's for governor, senators, mayors, whatever.

In a sense, we are not really doing anything that radical because for a certain percentage of the population, this is already the way it's done. The government goes out of its way to make it convenient for them to vote. So, I want to thank you for your testimony, as the primary sponsor of the bill, and I will be talking with the Election Commission to see about ways to maybe expand a little bit of the access without making it more expensive."

CHAIRMAN: "Any other Senators? Any other comments? Carlotta? Any final statements? Pat?"

MR. SAN NICOLAS: "I'd just like to thank the Committee for taking the time to put 418 on a public hearing and hopefully we see it on the floor so the Legislature can decide. You know, a lot of people have been waiting to hear something ..."

### III. FISCAL IMPACT

The Bureau of Budget and Management Research submitted a **Fiscal Note** on Bill No. 418 (*Exhibit H*). The Bureau states that the bill would impose a fiscal impact on the General Fund.

### IV. RECOMMENDATIONS

The Committee on General Governmental Operations and Micronesian Affairs, after having a public hearing on **Bill No. 418**, "*An Act to add a new §17212 to Chapter 17, 3 GCA, relative to establishing single-site special elections over a period of thirty (30) days for initiatives and other submissions to the electors in the Territory of Guam as a means of encouraging public participation in the process of establishing policy for the Territory in a cost-effective manner,*" recommends passage of the Bill as amended by the Committee.

NOV 13 1995

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 417 (LS)  
Introduced by:

M. Forbes  
A.C. Lamorena V  
A.C. Blaz  
J.M.S. Brown  
C. Leon Guerrero  
S.L. Orsini  
A.R. Unpingco

AN ACT TO ADD A NEW § 17212. TO CHAPTER 17, 3 GCA, RELATIVE TO ESTABLISHING SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF THIRTY (30) DAYS FOR INITIATIVES AND OTHER SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF GUAM AS A MEANS OF ENCOURAGING PUBLIC PARTICIPATION IN THE PROCESS OF ESTABLISHING POLICY FOR THE TERRITORY IN A COST-EFFECTIVE MANNER.

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

2  
3 Section 1. Legislative Declaration. The Legislature finds that it is in  
4 the interest of the Territory that the voters of Guam be granted every  
5 reasonable opportunity to participate directly in the formulation of laws and  
6 policies that govern the Territory. In order to facilitate the regular access of  
7 the voters to the decision-making process, alternative and cost-effective  
8 election methods must be developed, so that financial considerations will  
9 not impede the rights of the people of Guam.

10 Section 2. A new § 17212. is added to Chapter 17, 3GCA to read:

11 " § 17212. Special Single-Site Elections. For the purpose of  
12 submitting an initiative measure, a referendum, or any submission by the  
13 Legislature to the electors, the Commission may conduct a Special Election  
14 during which a single polling place shall be designated by the Commission.  
15 The single polling place may be the offices of the Guam Election  
16 Commission or may be any other site deemed appropriate and available by  
17 the Commission. Registered voters may cast their ballots on the initiative  
18 measure at any time the designated polling place is open during a period of  
19 thirty (30) consecutive calendar days, provided that the first day of the thirty  
20 (30) day election period must be no less than ninety (90) days after the  
21 certification of the initiative measure by the Commission or the enactment  
22 of a law placing an initiative measure before the voters of Guam and  
23 provided further that during the thirty (30) day election period, the  
24 designated polling place shall be open to voters every day for a minimum  
25 of twelve (12) consecutive hours beginning at 8:00 A.M., except Sundays.

1 No action by either the Legislature or the Governor is required for the  
2 Commission to schedule a Special Election as described in this section,  
3 provided that the Legislature or the Governor may call such an election for  
4 the purpose of having the electors vote on an initiative measure,  
5 referendum or any submission to the voters by the Legislature. No  
6 counting of ballots shall commence until the termination of the thirty (30)  
7 day election period as described in this section. For elections as described in  
8 this section, ballots may be counted by any reasonable methodology  
9 determined appropriate by the Commission, including manual counting,  
10 provided that the counting of ballots shall commence no sooner than the  
11 close of the polling place on the final day of the election and no later than  
12 twenty-four (24) hours after the last day of the thirty (30) day election period.



**NOTICE OF PUBLIC HEARING**  
**TWENTY-THIRD GUAM LEGISLATURE**  
**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS**  
**AND MICRONESIAN AFFAIRS**  
**VICE-SPEAKER TED S. NELSON, CHAIRMAN**

**Date: December 22, 1995 (Friday)**  
**Time: 10:00 a.m.**  
**Place: GLTB Public Hearing Room, Agana**

**Bill No. 235 TO AMEND CHAPTER 4, SECTION 22(B)(II), OF PL 22-140, RELATIVE TO HIRING RESTRICTIONS OF LAW ENFORCEMENT PERSONNEL**

**Bill No. 279 TO REPEAL AND REENACT §§1107, 1108, AND 1109 OF TITLE 4 GCA TO BE KNOWN AS THE "GOVERNMENT OF GUAM INCENTIVE AWARDS PROGRAM ACT"**

**Bill No. 287 TO ADD A NEW SUBSECTION (E) TO §8112 OF 4 GCA, CHAPTER 8, AUTHORIZING ELIGIBLE GOVERNMENT OF GUAM EMPLOYEES TO ADD INCREMENTS FROZEN BY PL 23-14 FOR PURPOSES OF COMPUTING THEIR SERVICE ANNUITIES**

**Bill No. 418 TO ADD A NEW §17212 TO CHAPTER 17, 3 GCA RELATIVE TO ESTABLISHING SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF 30 DAYS FOR INITIATIVES AND OTHER SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF GUAM AS A MEANS OF ENCOURAGING PUBLIC PARTICIPATION IN THE PROCESS OF ESTABLISHING POLICY FOR THE TERRITORY IN A COST-EFFECTIVE MANNER**

**Bill No. 437 TO AUTHORIZE THE CIVIL SERVICE COMMISSION TO RECEIVE A STIPEND OF \$50.00 PER MEETING**

**Bill No. 450 TO AMEND THE USE OF THE HIGHWAY BOND CAPITAL IMPROVEMENT PROJECTS**

**Bill No. 454 TO CREATE A COORDINATING COMMITTEE TO OVERSEE THE HIRING OF FEDERAL CIVIL SERVANTS WHO HAVE BEEN RELEASED BECAUSE OF MILITARY DOWNSIZING AND BASE CLOSURE**

**THE PUBLIC IS INVITED TO ATTEND AND PRESENT THEIR INPUT AT THIS HEARING**

**Committee on General Governmental Operations and Micronesian Affairs**  
**Twenty-Third Guam Legislature**  
**155 Hesler Street, Agana, Guam 96910**

**Public Hearing**  
**December 22, 1995, Legislature's Public Hearing Room, Agana**  
**on**  
**Bill Nos. 235, 279, 287, 418, 437, 450 and 454**

**Attendance**

<b>Committee Members</b>	<b>Present</b>	<b>Absent</b>	<b>Signature</b>
Vice-Speaker Ted S. Nelson Chairman	✓		
Sen. Thomas C. Ada	✓		
Sen. Anthony C. Blaz			
Sen. Felix P. Camacho			
Sen. Mark C. Charfauros	✓		<i>Mark C. Charfauros</i>
Sen. Hope A. Cristobal	✓		<i>Hope A. Cristobal</i>
Sen. Alberto C. Lamorena V			
Sen. Carlotta Leon Guerrero	✓		<i>Carlotta Leon Guerrero</i>
Sen. Lou Leon Guerrero			
Sen. Sonny L. Orsini			
Sen. Vicente C. Pangelinan	✓		<i>Vicente C. Pangelinan</i>
Sen. Angel L.G. Santos			
Sen. Judith Won Pat-Borja			
Speaker Don Parkinson Ex-Officio Member			
<b>Others Senators</b>	<b>Present</b>	<b>Absent</b>	<b>Signature</b>
Sen. John P. Aguon			
Sen. Elizabeth Barrett-Anderson			
Sen. Joanne M.S. Brown			
Sen. Mark Forbes	✓		<i>Mark Forbes</i>
Sen. Joe T. San Agustin			
Sen. Francis E. Santos			
Sen. Antonio R. Unpingco			

<b>GGOMA Staff Assigned</b>	<b>Assisted by</b>
<i>Ruth L. Benavente</i> <i>Joseph T. Phatgan</i>	





**GUAM ELECTION COMMISSION**  
**Kumision Eleksion Guahan**  
**Territory of Guam**

P.O. Box BG • Agana, Guam 96910



December 21, 1995

The Honorable Ted S. Nelson  
Vice Speaker/Chairman, Committee  
on General Governmental Operations  
& Micronesian Affairs  
Twenty-Third Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

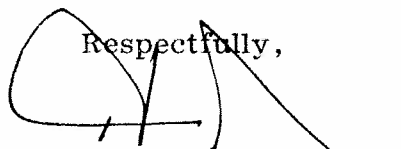
Dear Senator Nelson:

Thank you for the invitation to attend a Public Hearing scheduled on Friday, December 22, 1995 at 10:00 a.m. for Bill No. 418.

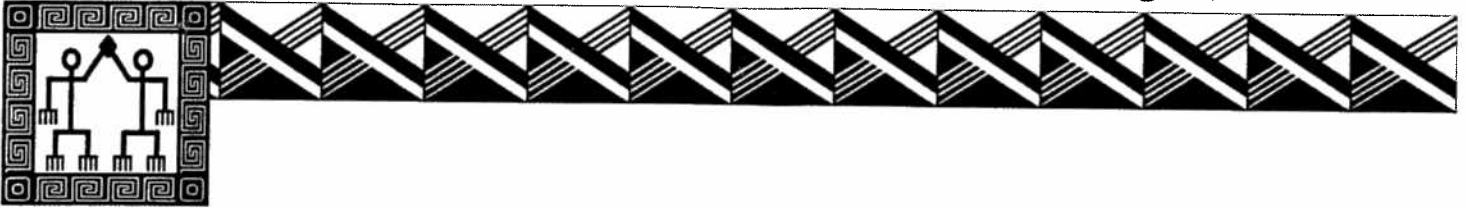
The Guam Election Commission is not taking any position on the bill due to its standing Board Policy not to comment on the merits or demerits of any legislation.

However, the Commission's Board of Directors will hold its regular scheduled meeting on Thursday, January 11, 1996 at 12:00 noon at which time we will inform your Committee of any action taken on the aforementioned bill.

Respectfully,



HENRY A. TORRES  
Executive Director

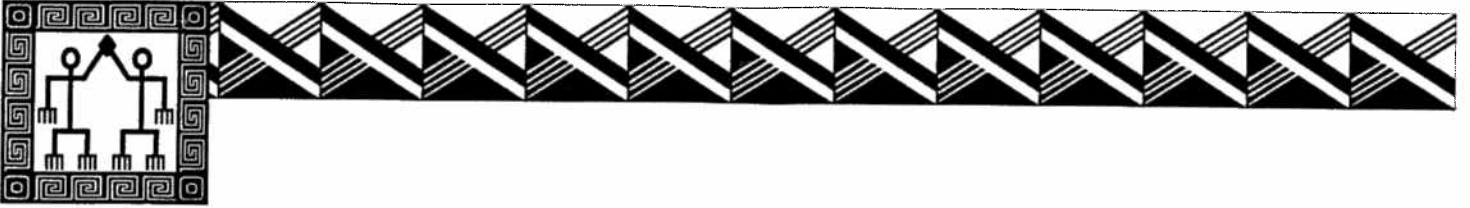


Good morning Fellow Citizens of Guam...

First of all, I would like to thank our esteemed legislators for taking action in yet another method of saving the taxpayers' money...

On the issue of legislative reform and the reform of the Government overall, it's important that we all realize the brevity of Guam's financial situation, and how much the Government is responsible for taking affirmative action in correcting it. I thank the Committee on General Governmental Operations and its chair, Vice Speaker Ted Nelson, for convening to do something about it. Hi, my name is Patrick San Nicolas, I'm the president of the Taotao Guam Association, and I care deeply about our island.

I also care deeply for my wife Denise and my daughter Kameraye, and those two are THE most important reasons to do just about anything I do. I've seen our island through it's roller-coaster ride of economic peaks and valleys...I know what it's like to see an island bond together, attack and defeat overwhelming opposition when times are good...But there's no doubt that the morale today is nowhere near those times...with our civil service workers wondering if they'll

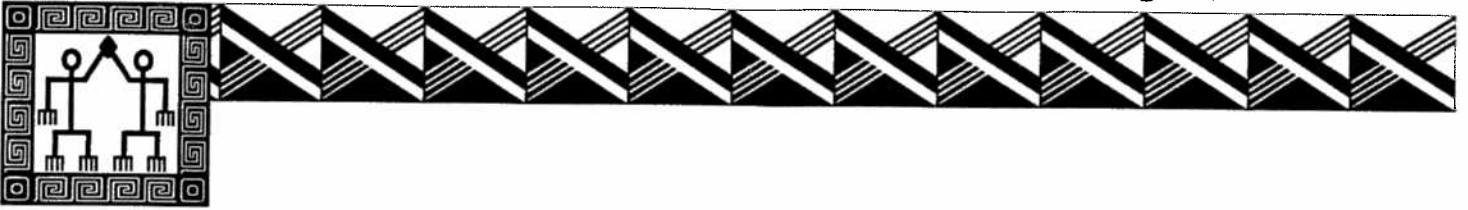


before? There will be no arguments about getting a representative sample, because maybe, for one time in their life, the sample WILL BE the people!

The fact that there will be two controversial issues on the ballot will mean even more participation and coverage, lest we forget that the first bill Governor Carl Gutierrez signed into law was one of the former Forbes Initiatives...the reduction of senators from 21-15...

Here's a thought for you...Suppose that for the next 10 months, our leaders continue to tell the people to be patient...the money isn't there for a special election and they should wait until November...however, some 50 senatorial candidates will be jockeying for 21 available slots in that same time period. By law, the issue of senatorial reduction must be on that general election ballot, too! What if the people pass the referendum? Do we first count the legislative votes, congratulate the top 21, then kick them out months later when they tally the pro-referendum and certify the ballots?

Or do we count the referendum, wait a few weeks to certify the votes, and then spend a few more days counting senatorial votes? I don't think the Guam

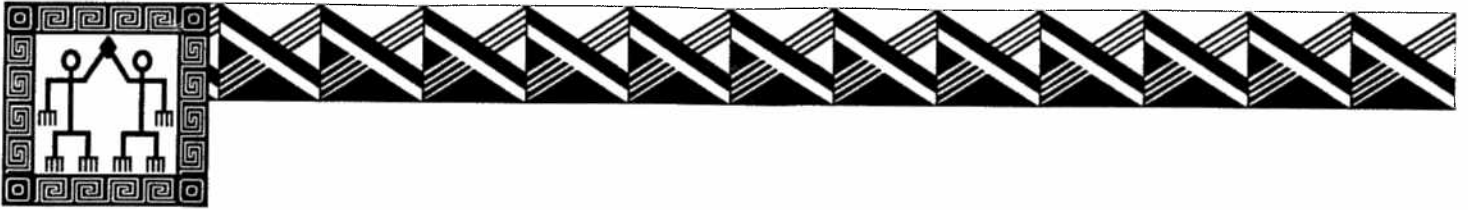


they'll wake up to a workless workday, and our government scraping the barrell every two weeks to put out a payroll, there's no question that something needs to be done. I thank you for this opportunity to testify... and I do testify with the opinion that this public hearing is more important than the thousands before it held in this very room...and it is this body, representing the people, that has the power to do something positive...really positive, for the people. Initially, the benefits of this bill are obvious...What would you buy if you had a choice between a 30-thousand dollar Maxima or a 28-thousand dollar Rolls-Royce?

This issue is very similar. It facilitates participation by being accessible at the public ease. It encourages participation, because you and I know that the Chamorro are very fond of gossiping...If one guy votes and brags about it, others are sure to follow...Just so they can brag too! (laughter)

...It is cost-effective, with the initial draft proposing to save some 50-thousand dollars in manpower and supplies alone.

And finally, more people WILL come out and vote. How can you deny the results of an election where more registered voters will come out than ever



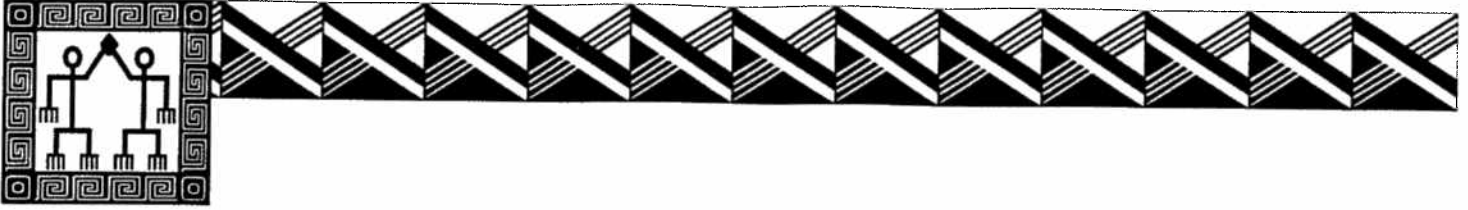
Election Commission has an overtime budget THAT big. And there's a hiring freeze, remember? There will be candidates who will save time and money if they know beforehand what the odds are...And I'm sure there's a little group of people at the Election Commission who are hoping they'll only get a few sleepless nights, instead of a few sleepless weeks! How can they count ballots when they're tired? (laughter)

But seriously, both the thousands that signed his initiatives and the 14-thousand more that signed in favor of an election for the gaming initiative expect to see action as a result of their signature. The minimum standards have been met and surpassed...if we don't have some kind of an election soon, are we being fair to the people? 30 percent, of them who signed to put the gaming issue on the ballot in just 90 days?

Let's decide on that issue now, before candidates start attaching themselves to prospective and free media rides just to get re-elected...We CANNOT and MUST NOT wait until November to decide.

In past elections that happened out of season, there has been minimal





turnout...Even when citizens voted for the Commonwealth Draft act, only 39 percent of the voters came out...in 1991, when candidates ran for legislative slots out of season, only 33 percent of the voter population made the trip to the polls...

We got that percentage in signatures alone!

Ladies and gentlemen of this Committee, you all promised to be representatives of the people...

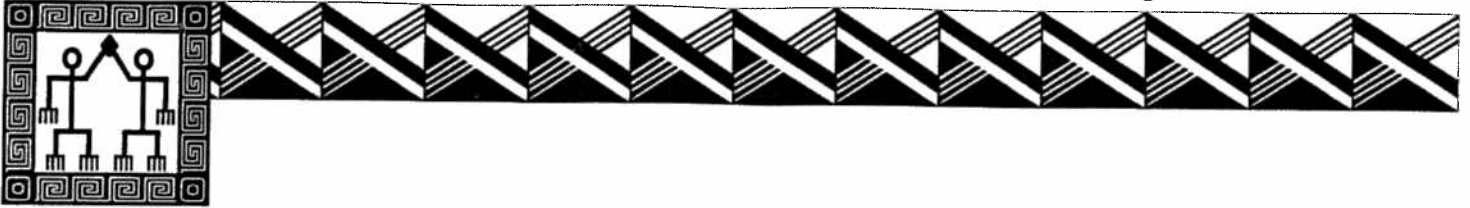
You promised to help do what was good for them, and you promised them a fair and just voice and a fighting chance to display their opinions...

It's been said time and time again by politicians of the past...

“The People Have Spoken.”

Senators, will you give the people the democratic power that has been their birthright?

In closing, I would like to offer a suggestion on the specifics of the bill...Bill 418 calls for a single-polling site...I feel it would be even easier if three sites,



located in strategic, well-travelled locations, operated instead of just one...Adding Saturdays with at least one polling station would also be beneficial.

Senators, the voting process is THE MOST CRUCIAL element of a democratic society...

So let's do it right... We don't need MISTAKES now, just so we can improve ourselves next time...

Because next time, the people just - won't - care - anymore.

Si Yu'us Maase.

A handwritten signature in black ink, appearing to read 'S. Y. Maase'.

FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 418 (LS)  
Amendatory Bill: Yes

Date Received: December 19, 1995  
Date Reviewed: December 28, 1995

Department/Agency Affected: Guam Election Commission  
Department/Agency Head: Henry Torres  
Total FY Appropriation to Date: \$629,644

Bill Title (preamble): AN ACT TO ADD A NEW §17212 TO CHAPTER 17, 3 GCA, RELATIVE TO ESTABLISHING SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF THIRTY (30) DAYS FOR INITIATIVES AND OTHER SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF GUAM AS A MEANS OF ENCOURAGING PUBLIC PARTICIPATION IN THE PROCESS OF ESTABLISHING POLICY FOR THE TERRITORY IN A COST-EFFECTIVE MANNER.

Change in Law: Adds a new §17212 to Chapter 17, 3 GCA.

Bill's Impact on Present Program Funding:

Increase 1/ Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change \_\_\_\_\_

Bill is for:

Operations XXX Capital Improvement \_\_\_\_\_ Other \_\_\_\_\_

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Community Services	<u>1/</u>		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	<u>1/</u>					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? 1/ - IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

ANALYST [Signature] DATE 12/20/95 DIRECTOR Francis Balagadia DATE JAN 4 1995  
*Joseph E. Rivera, Acting*

FOOTNOTES: See attached.

1/

Bill Number 418 (LS) seeks to add a new §17212 to Chapter 17, 3 GCA relative to establishing single-site special elections over a period of thirty (30) days for initiatives and other submissions to the electors in the Territory of Guam as a means of encouraging public participation in the process of establishing policy for the Territory in a cost-effective manner.

This bill would impose a fiscal impact on the General Fund. The Guam Election Commission is in the process of preparing a budget for the purpose of a special election but have yet to determine this amount. They have stated that their current operating budget is not sufficient to cover the cost of a special election.

<b>Office of VICE-SPEAKER TED S. NELSON</b>	
Received by <i>[Signature]</i>	
Print Name	Initial
Date: <u>1/8/96</u>	Time: _____

NOV 13 1995

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 418(LS)  
Introduced by:

M. Forbes  
A.C. Lamorena  
A.C. Blaz  
J.M.S. Brown  
C. Leon Guerrero  
S.L. Orsini  
A.R. Unpingco

AN ACT TO ADD A NEW § 17212. TO CHAPTER 17, 3 GCA, RELATIVE TO ESTABLISHING SINGLE-SITE SPECIAL ELECTIONS OVER A PERIOD OF THIRTY (30) DAYS FOR INITIATIVES AND OTHER SUBMISSIONS TO THE ELECTORS IN THE TERRITORY OF GUAM AS A MEANS OF ENCOURAGING PUBLIC PARTICIPATION IN THE PROCESS OF ESTABLISHING POLICY FOR THE TERRITORY IN A COST-EFFECTIVE MANNER.

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

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3 **Section 1. Legislative Declaration.** The Legislature finds that it is in  
4 the interest of the Territory that the voters of Guam be granted every  
5 reasonable opportunity to participate directly in the formulation of laws and  
6 policies that govern the Territory. In order to facilitate the regular access of  
7 the voters to the decision-making process, alternative and cost-effective  
8 election methods must be developed, so that financial considerations will  
9 not impede the rights of the people of Guam.

10 **Section 2.** A new § 17212. is added to Chapter 17, 3GCA to read:  
11 " § 17212. Special Single-Site Elections. For the purpose of  
12 submitting an initiative measure, a referendum, or any submission by the  
13 Legislature to the electors, the Commission may conduct a Special Election  
14 during which a single polling place shall be designated by the Commission.  
15 The single polling place may be the offices of the Guam Election  
16 Commission or may be any other site deemed appropriate and available by  
17 the Commission. Registered voters may cast their ballots on the initiative  
18 measure at any time the designated polling place is open during a period of  
19 thirty (30) consecutive calendar days, provided that the first day of the thirty  
20 (30) day election period must be no less than ninety (90) days after the  
21 certification of the initiative measure by the Commission or the enactment  
22 of a law placing an initiative measure before the voters of Guam and  
23 provided further that during the thirty (30) day election period, the  
24 designated polling place shall be open to voters every day for a minimum  
25 of twelve (12) consecutive hours beginning at 8:00 A.M., except Sundays.

1 No action by either the Legislature or the Governor is required for the  
2 Commission to schedule a Special Election as described in this section,  
3 provided that the Legislature or the Governor may call such an election for  
4 the purpose of having the electors vote on an initiative measure,  
5 referendum or any submission to the voters by the Legislature. No  
6 counting of ballots shall commence until the termination of the thirty (30)  
7 day election period as described in this section. For elections as described in  
8 this section, ballots may be counted by any reasonable methodology  
9 determined appropriate by the Commission, including manual counting,  
10 provided that the counting of ballots shall commence no sooner than the  
11 close of the polling place on the final day of the election and no later than  
12 twenty-four (24) hours after the last day of the thirty (30) day election period.