



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAR 24 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:33am</u>
Date	<u>3-27-00</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 391 (COR), "AN ACT TO ADD CHAPTER 21 TO TITLE 3 OF THE GUAM CODE ANNOTATED; TO REPEAL AND REENACT §§21101, 21102(b), 21104, 21105, AND 21110 AND TO REPEAL §21103, ALL OF CHAPTER 21 OF TITLE 1 OF THE GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT §20001 OF CHAPTER 20 OF TITLE 3 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM DECOLONIZATION REGISTRY FOR NATIVE INHABITANTS OF GUAM SELF-DETERMINATION, TO APPROPRIATE FUNDING FOR THE VOTE ON SELF DETERMINATION AND FOR OTHER RELATED PURPOSES", which which was enacted into law without signature of the Governor and is now designated as **Public Law No. 25-106**.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

cc: The Honorable A.R. Unpingco
 Speaker

00833

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

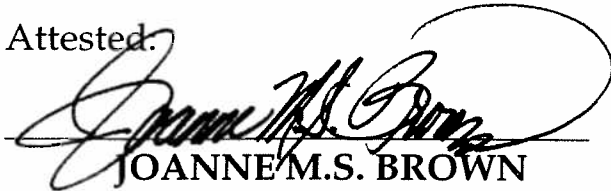
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 391 (COR) "AN ACT TO ADD CHAPTER 21 TO TITLE 3 OF THE GUAM CODE ANNOTATED; TO REPEAL AND REENACT §§21101, 21102(b), 21104, 21105, AND 21110 AND TO REPEAL §21103, ALL OF CHAPTER 21 OF TITLE 1 OF THE GUAM CODE ANNOTATED, AND TO REPEAL AND REENACT §20001 OF CHAPTER 20 OF TITLE 3 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE GUAM DECOLONIZATION REGISTRY FOR NATIVE INHABITANTS OF GUAM SELF-DETERMINATION, TO APPROPRIATE FUNDING FOR THE VOTE ON SELF DETERMINATION AND FOR OTHER RELATED PURPOSES," was on the 9th day of March 2000, duly and regularly passed.



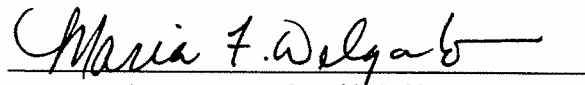
ANTONIO R. UNPINGCO
Speaker

Attested.



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 10th day of March, 2000,
at 3:05 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: March 24, 2000

Public Law No. 25-106
*Became law without the signature
of I Maga'Lahen Guahan, the
Governor of Guam.*

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 391 (COR)

As substituted by the Committee on Rules,
Government Reform, Reorganization and
Federal Affairs, and further substituted in the
Committee of the Whole and amended.

Introduced by:

Mark Forbes
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD CHAPTER 21 TO TITLE 3 OF THE
GUAM CODE ANNOTATED; TO REPEAL AND
REENACT §§21101, 21102(b), 21104, 21105, AND 21110
AND TO REPEAL §21103, ALL OF CHAPTER 21 OF
TITLE 1 OF THE GUAM CODE ANNOTATED, AND
TO REPEAL AND REENACT §20001 OF CHAPTER 20
OF TITLE 3 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE CREATION OF THE GUAM
DECOLONIZATION REGISTRY FOR NATIVE
INHABITANTS OF GUAM SELF-DETERMINATION,
TO APPROPRIATE FUNDING FOR THE VOTE ON**

SELF DETERMINATION AND FOR OTHER
RELATED PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. In furtherance of
3 Public Law Number 23-147, now codified as Chapter 21 of Title 1 of the Guam
4 Code Annotated, wherein the Commission on Decolonization was established
5 and given the mandate to conduct a plebiscite on the political status wishes of
6 the people of Guam, *I Liheslaturan Guåhan* finds there is a need for a Registry,
7 separate and apart from the Chamorro Registry authorized by Public Law
8 Number 23-130, now codified as Chapter 20 of Title 3 of the Guam Code
9 Annotated, which will specifically delineate the list of qualified voters for the
10 political status plebiscite, and intends that this separate Registry *not* be one
11 based on race.

12 *I Liheslaturan Guåhan* further finds that an appropriation to the Guam
13 Election Commission for purposes of the plebiscite is necessary, and intends
14 to make that appropriation in time for a July 1, 2000, election, as mandated by
15 §11 of Public Law Number 25-72. In addition, *I Liheslaturan Guåhan* finds that
16 an appropriation to the Guam Decolonization Registry Board and the
17 expedited approval of the Guam Decolonization Regulations is necessary in
18 order for the Board to fulfill the mandates as established herein.

19 Further, *I Liheslaturan Guåhan* finds that amendments to existing law
20 establishing the Commission on Decolonization are required to clarify *I*
21 *Liheslaturan Guåhan's* intent that the qualifications for voting in the political

1 status plebiscite shall *not* be race-based, but based on a clearly defined
2 political class of people resulting from historical acts of political entities in
3 relation to the people of Guam.

4 Finally *I Liheslaturan Guåhan* intends to amend the Chamorro Registry
5 law to more broadly define "Chamorros", based on distinct historical events
6 relative to the people of Guam.

7 **Section 2.** Chapter 21 is hereby *added* to Title 3 of the Guam Code
8 Annotated to read as follows:

9 **"CHAPTER 21.**

10 **GUAM DECOLONIZATION REGISTRY.**

11 **Section 21000. Legislative Findings and Intent.**

12 **Section 21001. Definitions.**

13 **Section 21002. Affidavit of Registration.**

14 **Section 21003. Persons Entitled to Register or be Registered.**

15 **Section 21004. Same: Minors.**

16 **Section 21005. Same: Off-Island Native Inhabitants of Guam.**

17 **Section 21006. Same: Same: Minors.**

18 **Section 21007. Times for Registration.**

19 **Section 21008. Place of Registration.**

20 **Section 21009. Unlawful Registration a Crime.**

21 **Section 21010. Permanence of Records.**

22 **Section 21011. Qualification of Registration Clerks for the**
23 **Guam Decolonization Registry.**

24 **Section 21012. Compensation for Registration Clerks.**

1 **Section 21000. Legislative Findings and Intent.** In furtherance
2 of Public Law Number 23-147, now codified as Chapter 21 of Title 1 of
3 the Guam Code Annotated, wherein the Commission on Decolonization
4 was established and given the mandate to conduct a plebiscite on the
5 political status wishes of the people of Guam, *I Liheslaturan Guåhan* finds
6 there is a need for a Registry, separate and apart from the Chamorro
7 Registry authorized by Public Law Number 23-130, now codified as
8 Chapter 20 of Title 3 of the Guam Code Annotated, which will
9 specifically delineate the list of qualified voters for the political status
10 plebiscite, and intends that this separate Registry *not* be one based on
11 race.

12 It is the intent of *I Liheslaturan Guåhan* to permit the native
13 inhabitants of Guam, as defined by the U.S. Congress' 1950 Organic Act
14 of Guam to exercise the inalienable right to self-determination of their
15 political relationship with the United States of America.

16 *I Liheslaturan Guåhan* finds that the right has never been afforded
17 the native inhabitants of Guam, its native inhabitants and land having
18 themselves been overtaken by Spain, and then ceded by Spain to the
19 United States of America during a time of war, without any consultation
20 with the native inhabitants of Guam.

21 This inalienable right is founded upon the 1898 Treaty of Peace
22 between the United States and Spain; Chapter XI of the United Nations
23 Charter; the United States' yearly reports to the United Nations on the
24 Non Self-governing Territory of Guam; 1950 Organic Act of Guam;
25 United Nations Resolution Number 1541 (XV); United Nations

1 Resolution 1514 (XV); §307 (a) of the United States Immigration and
2 Nationality Act; and Part I, Article 1, Paragraphs 1 and 3 of the
3 International Covenant on Civil and Political Rights.

4 *I Liheslaturan Guåhan* notes that the 1950 Congress acknowledged
5 its United Nations' responsibilities:

6 'In addition to its obligation under the Treaty of Paris, the
7 United States has additional treaty obligations with respect to
8 Guam as a non-self-governing Territory. Under Chapter XI of the
9 Charter of the United Nations, ratified by the Senate June 26, 1945
10 (59 Stat. at p. 1048), we undertook, with respect to the people of
11 such Territories, to insure political advancement, to develop self-
12 government, and taking 'due account of the political aspirations of
13 the peoples; * * * to assist them in the progressive development of
14 their free political institutions * * *.' *Organic Act of Guam*, Sen. Rep.
15 2109, 1950 U.S. Code & Admin. Report p. 2841.'

16 It is the purpose of this legislation to seek the desires to those
17 peoples who were given citizenship in 1950 and to use this knowledge
18 to further petition Congress and other entities to achieve the stated
19 goals.

20 The intent of this Chapter shall *not* be construed nor implemented
21 by the government officials effectuating its provisions to be race based,
22 but founded upon the classification of persons as defined by the U.S.
23 Congress in the 1950 Organic Act of Guam.

24 **Section 21001. Definitions.** For purposes of this
25 Chapter:

1 (a) 'Board' shall mean the Decolonization Registry Board
2 established under the Guam Election Commission for the
3 purposes of guiding the establishment, administration and
4 maintenance of the Guam Decolonization Registry.

5 (b) 'Commission' shall mean the Guam Election
6 Commission.

7 (c) 'Descendant' shall mean a person who has proceeded
8 by birth, such as a child or grandchild, to the remotest degree,
9 from any 'Native Inhabitant of Guam,' as defined in Subsection (e),
10 and who is considered placed in a line of succession from such
11 ancestor where such succession is by virtue of blood relations.

12 (d) 'Guam Decolonization Registry' shall mean the index of
13 names established by the Guam Election Commission
14 ('Commission') for the purposes of registering and recording the
15 names of the Native Inhabitants of Guam.

16 (e) 'Native Inhabitants of Guam' shall mean those persons
17 who became U.S. Citizens by virtue of the authority and
18 enactment of the 1950 Organic Act of Guam and descendants of
19 those persons.

20 **Section 21002. Affidavit of Registration.** No person shall be
21 registered with the Guam Decolonization Registry, *except* by affidavit of
22 registration made *before* the registration clerk of the district or
23 municipality wherein such person resides, or before a registration clerk
24 in the office of the Commission. The Commission shall prepare forms

1 for the collection of data pertaining to registration eligibility, Native
2 Inhabitant of Guam family name, and residency.

3 The Commission shall also require the submission of such
4 additional information and proper documentation as will enable it to
5 comply with this Chapter. The affidavit shall then be made in duplicate
6 and shall set forth all the facts required to be set forth by this Title. Any
7 change of residency must be reported to the Commission within thirty
8 (30) days of such change.

9 **Section 21003. Persons Entitled to Register or be Registered.**

10 Every person who is a Native Inhabitant of Guam, as defined above, or
11 who is descended from a Native Inhabitant of Guam is entitled to
12 register with the Guam Decolonization Registry.

13 **Section 21004. Same: Minors.** Individuals below the age of
14 eighteen (18) years, who turn eighteen (18) years on or before the date of
15 the Political Status Plebiscite, shall be entitled to register with the Guam
16 Decolonization Registry by a parent or legal guardian. Such parent or
17 guardian must register such minor by affidavit of registration made
18 before the registration of the district or municipality wherein such
19 minor resides, or before a registration clerk in the office of the
20 Commission. The Commission shall also require the submission of such
21 additional information and proper documentation as will enable it to
22 verify the relationship between parent or guardian and said minor, and
23 to comply with the rest of this Chapter.

24 Any change of residency for such minor must be reported to the
25 Commission within thirty (30) days of such change.

1 **Section 21005. Same: Off-Island Native Inhabitants of Guam.**

2 Persons, who are eligible under this Chapter to register with the Guam
3 Decolonization Registry, but who are *not* on Guam at such time as they
4 intend to register, may complete and submit, via mail or otherwise, a
5 notarized affidavit of registration to the Commission. Affidavits of
6 registration shall be made available by the Commission. The
7 Commission shall also require from such persons the submission of such
8 additional information and proper documentation as will enable it to
9 comply with this Chapter. Any change of residency must be reported to
10 the Commission within thirty (30) days of such change.

11 **Section 21006. Same: Same: Minors.** Individuals below

12 the age of eighteen (18) years, who are eligible under this Chapter to
13 register with the Guam Decolonization Registry, but who are *not* on
14 Guam at such time as they are to be registered, may be registered by a
15 parent or legal guardian who shall complete and submit, *via* mail or
16 otherwise, a notarized affidavit of registration to the Commission on
17 behalf of said minor. The Commission shall require from such parent or
18 guardian the submission of such additional information and proper
19 documentation as will enable the Commission to comply with this
20 Chapter. Any change of residency must be reported to the Commission
21 within thirty (30) days of such change.

22 **Section 21007. Times for Registration.** A person may

23 register with the Guam Decolonization Registry at any time during the
24 year, *except* at such times when the Commission shall close the
25 registration rolls for the purposes of conducting the Political Status

1 Plebiscite. At such times the registration rolls shall be closed ten (10)
2 days *prior to* such Political Status Plebiscite.

3 **Section 21008. Place of Registration.** Registration for Native
4 Inhabitants of Guam with the Guam Decolonization Registry shall be in
5 progress at the main office of the Commission during such hours as the
6 office is open for business, *prior to* any closing of the registration rolls.
7 Upon enactment of this Act, the Commission shall deputize as many
8 volunteers to serve as registration clerks in each of the Villages and
9 designated educational institutions, for an undetermined period after
10 the date of enactment, as is necessary for the purposes of registering
11 eligible persons with the Guam Decolonization Registry. Such
12 registration shall take place at each Mayor's office, Guam Community
13 College, University of Guam, each high school or any other place within
14 the Village designated by the Commission.

15 Native Inhabitants of Guam shall also be able to register with the
16 Guam Decolonization Registry at such times and places within Guam as
17 the Commission shall deem advisable and convenient, and the
18 Commission shall deputize volunteers for such purposes as well.

19 **Section 21009. Unlawful Registration a Crime.** Any person
20 who willfully causes, procures or allows that person, or any person, to
21 be registered with the Guam Decolonization Registry, while knowing
22 that the person, or other person, is *not* entitled to register with the Guam
23 Decolonization Registry, shall be guilty of perjury as a misdemeanor.
24 The Guam Decolonization Registry shall have such false affidavit of
25 registration *automatically* stricken from the Registry.

1 **Section 21010. Permanence of Records.** *Except* in the event
2 of cancellation pursuant to this Chapter or the Rules and Regulations,
3 the registration of a Native Inhabitant of Guam is permanent for all
4 purposes. It shall be the duty of the Commission to issue to each
5 registered Native Inhabitant of Guam a card indicating that such person
6 has been registered with the Guam Decolonization Registry.

7 **Section 21011. Qualification of Registration Clerks for the**
8 **Guam Decolonization Registry.** The Commission may appoint any
9 qualified adult as a registration clerk. No person holding an elective
10 office or who is a candidate for elective office shall be appointed as a
11 registration clerk. Under no circumstances may a volunteer clerk deny
12 registration to a person eligible to register or be registered with the
13 Guam Decolonization Registry.

14 **Section 21012. Compensation for Registration Clerks.**
15 Section 3111 of Chapter 3 of Title 3 of the Guam Code Annotated applies
16 to compensation of registration clerks for the Guam Decolonization
17 Registry.

18 **Section 21013. Registration Clerks Empowered to Take**
19 **Affidavits.** Section 3112 of Chapter 3 of Title 3 of the Guam Code
20 Annotated applies to registration clerks of the Guam Decolonization
21 Registry taking affidavits.

22 **Section 21014. Registration Clerks *Not* to Charge Fees.**
23 Section 3113 of Chapter 3 of Title 3 of the Guam Code Annotated applies
24 to Registration Clerks for the Guam Decolonization Registry *not*

1 charging fees for their registering persons or for the taking of affidavits
2 of registration.

3 **Section 21015. Return of Documents by Registration Clerks.**

4 All registration clerks shall return all affidavits of registration and all
5 books or pads in their possession containing stubs, spoiled affidavits or
6 unused affidavit forms to the Commission, which shall file the original
7 and copy of each affidavit separately in a securely locked container or
8 storage space. The timetable for submission of documents by
9 registration clerks and the organization of affidavits shall be determined
10 by the Commission. The original affidavit of registration shall be kept,
11 at all times, in the office of the Commission. The duplicates shall be
12 bound in suitable book or form.

13 **Section 21016. Penalties for Acts or Omissions.** Any person
14 having charge of affidavits of registration is guilty of a misdemeanor
15 who:

16 (a) neglects or refuses to make all the entries provided for
17 in this Title; *or*

18 (b) fails or neglects to comply with any provision of this
19 Chapter.

20 **Section 21017. Reports to the Attorney General.** The
21 Commission shall report to the Attorney General of Guam the names of
22 any registration clerk who has *not* complied with the provisions of this
23 Chapter.

1 **Section 21018. Costs to Registration Clerks.** Section 3118
2 of Chapter 3 of Title 3 of the Guam Code Annotated applies to
3 registration clerks for the Guam Decolonization Registry.

4 **Section 21019. Certified Copy of Registration as Evidence.**
5 Section 3119 of Chapter 3 of Title 3 of the Guam Code Annotated applies
6 to applicants for the Guam Decolonization Registry.

7 **Section 21020. Report of Deaths.** Section 3123 of Chapter 3
8 of Title 3 of the Guam Code Annotated applies to the Director of the
9 Department of Public Health and Social Services for the purpose of this
10 Guam Decolonization Registry.

11 **Section 21021. Action to Compel Registration.** *If* a
12 registration clerk refuses to register any person eligible to register with
13 the Guam Decolonization Registry, such person may appeal such refusal
14 to the Commission, and *if* the Commission upholds or affirms the ruling
15 of the registration clerk, such person may proceed by action in the
16 Superior Court of Guam to compel that person's registration. In an
17 action under this Section, as many persons may join as plaintiffs, as have
18 causes of action.

19 **Section 21022. Action to Compel Cancellation.** Any person
20 may proceed by action in the Superior Court of Guam to compel the
21 Commission to cancel any registration made illegally. *If* the person
22 whose registration is sought to be canceled is *not* a party to the action,
23 the Court may order that person to be made a party defendant. The

1 Commission, and as many persons as there are causes of action against,
2 may be joined as defendants.

3 **Section 21023. Preservation of Registration Affidavits.**

4 The Commission shall preserve all un-cancelled affidavits of
5 registration, and the cancelled duplicates, made for the purpose of
6 procuring registration. The affidavits of registration shall constitute the
7 Guam Decolonization Registry required to be kept by the provisions of
8 this Chapter.

9 **Section 21024. Index of Registrations.** The Commission

10 shall prepare an index of the Guam Decolonization Registry and
11 provide sufficient copies thereof.

12 **Section 21025. Index as Public Record; Fee.** Upon written

13 demand of any member of the public, the Commission shall furnish to
14 the person one (1) copy of the index of the Guam Decolonization
15 Registry at a charge consistent with the Sunshine Act of 1987, as
16 amended. All moneys so collected shall be deposited into the Treasury
17 of the government of Guam.

18 **Section 21026. Establishment of Guam Decolonization**
19 **Registry Board: Composition; Removal of Members; Chairperson;**
20 **Quorum.** There is hereby established a Guam Decolonization Registry
21 Board with the following provisions:

22 (a) There is within the government of Guam and under
23 authority of the Commission the Guam Decolonization Registry
24 Board. The Board shall consist of five (5) members, all of whom
25 shall be Native Inhabitants of Guam, as defined in this Chapter. *I*

1 *Maga'lahaen Guåhan* shall appoint the five (5) members who shall
2 have the following qualifications:

3 (i) two (2) members who have had extensive work
4 experience in the administration of a local cultural agency or
5 program;

6 (ii) two (2) members who have had a strong
7 background in Guam's historical or genealogical work; *and*

8 (iii) one (1) member who has a strong understanding
9 of the issue of Guam's political status or has been
10 extensively involved in the work towards the future exercise
11 of Guam's self-determination.

12 The members of the Board shall serve for a term of two (2)
13 years. *If* a vacancy should occur on the Board, said vacancy shall
14 be filled for the remainder of the term only, and by the method
15 originally prescribed for that position's appointment. Every
16 member of the Board who is *not* in the service of the government,
17 for which he receives an annual compensation, shall be paid Fifty
18 Dollars (\$50.00) for each attendance of a meeting upon that
19 person's duties, with a maximum of One Hundred Dollars
20 (\$100.00) per month.

21 (b) Any member may be removed for misconduct in office
22 by a resolution duly adopted by a vote of two-thirds (2/3) of the
23 members elected to *I Liheslaturan Guåhan*.

1 (c) The Guam Decolonization Registry Board shall
2 annually elect one (1) of its members as Chairperson. The
3 Chairperson shall preside at all meetings of the Board.

4 (d) A majority of the members of the Board shall
5 constitute a quorum. The vote of a majority of the Board shall be
6 required to make any action of the Board effective. The rules and
7 regulations for the conduct of the Board are attached herein and
8 labeled as **Exhibit A**. Changes may be made by the Board in
9 accordance with Guam law.

10 (e) No member of any of the political status options task
11 force shall serve on the Guam Decolonization Registry Board.

12 **Section 21027. Same: *Ex-officio* and Non-voting Members.**

13 The Executive Director of the Commission; the Chairperson of the
14 Commission; the Executive Director of the Commission on Self-
15 Determination/Decolonization; the Executive Director of the Chamorro
16 Heritage Institute, once established; and the Chairperson of the
17 Committee on Federal and Foreign Affairs of *I Liheslaturan Guåhan*, or its
18 equivalent, shall serve as *ex-officio*, consulting members of the Board, but
19 shall *not* be voting members thereof. The Executive Director of the
20 Commission shall also serve as the *ex-officio* secretary for the Board.

21 **Section 21028. Same: Duties and Responsibilities.**

22 The Commission shall have direct and immediate supervision over the
23 registration clerks designated in accordance with this Chapter to
24 perform duties relative to the establishment, administration and
25 maintenance of the Guam Decolonization Registry. Where such duties

1 overlap with duties relative to the conduct of elections, the Board shall
2 make recommendations to the Commission relative to the supervision of
3 said clerks, and the Commission shall have the final decision-making
4 authority.

5 The Board shall recommend to the Commission the suspension
6 from the performance of said duties any of said clerks who shall fail to
7 comply with its instruction, orders, decisions or rulings, and the
8 appointment of temporary substitutes.

9 Upon the recommendation of the Commission, *I Maga'lahren*
10 *Guåhan* may remove any and all clerks who shall be found negligent of
11 nonfeasance or misfeasance in connection with the performance of their
12 duties relative to the Guam Decolonization Registry. The Board shall
13 coordinate with the Commission an intensive identification and
14 awareness campaign and voter registration drive among potentially
15 eligible voters through use of media, direct-mail programs, family
16 networks, public agency infrastructure or any other means to reach
17 those individuals whose right to decolonization is recognized by this
18 Chapter.

19 **Section 21029. Same: Same: Provision of Forms.** It shall
20 be the responsibility of the Commission to provide all necessary forms
21 as prescribed by the Board for the establishment of the Guam
22 Decolonization Registry.

23 **Section 21030. Same: Same: Informational Brochures.** It
24 shall be the responsibility of the Board to prepare and promulgate
25 informational brochures providing basic information pertaining to the

1 establishment of the Guam Decolonization Registry, eligibility
2 requirements, guidelines for registration and any other such information
3 as the Board should deem necessary for the purposes of educating the
4 general public. The content of the brochures shall be subject to approval
5 by the Commission. Such brochures shall be made available at the main
6 office of the Commission, from registration clerks, and at other locations
7 recommended by the Board and approved by the Commission.

8 **Section 21031. Same: Powers of the Board.** The Board
9 shall have the power to summon the parties to a controversy pending
10 before it, issue subpoenas duces tecum and otherwise to take testimony
11 in any investigation or hearing pending before it, and delegate such
12 power to any officer. Any controversy submitted to the Board shall be
13 tried, heard and decided within fifteen (15) days counted from the time
14 corresponding petition giving rise to said controversy is filed. *If* either
15 party wishes to appeal the decision or ruling of the Board, appeal may
16 be made to the Commission for further consideration of hearing. The
17 Board shall have the power to certify to the Superior Court of Guam for
18 contempt.”

19 **Section 3. Appropriation to the Guam Election Commission.**

20 (a) The sum of Fifty-nine Thousand Three Hundred Forty-
21 Seven Dollars (\$59, 347.00) is hereby authorized and appropriated to the
22 Commission from the General Fund to fill the following positions from
23 March 15, 2000 through September 30, 2000:

24

1	Position #	Position Title	Grade/Step	Salary & Benefits
2	070007	Executive Secretary	I-1	\$15,335.00
3	002010	Administrative Officer	L-1	\$18,737.00
4	000205	Secretary Typist I	G-1	\$13,600.00
5	070006	Clerk I	C-1	\$11,675.00

6 (b) The sum of Thirty-eight Thousand Eight Hundred Sixteen
7 Dollars (\$38,816.00) is hereby authorized and appropriated to the
8 Commission from the General Fund to fill the following temporary
9 positions from April 1, 2000 through September 30, 2000 only:

10	Position #	Position Title	Grade/Step	Salary & Benefits
11	070006	Clerk I	C-1	\$9,704.00
12	070006	Clerk I	C-1	\$9,704.00
13	070006	Clerk I	C-1	\$9,704.00
14	070006	Clerk I	C-1	\$9,704.00

15 (c) Notwithstanding any other provision of law, the
16 Commission is authorized to fill the positions listed in Subsections (a)
17 and (b) of this Section using the funds appropriated in that Subsection.

18 (d) The One Hundred Ninety-five Thousand Dollar
19 (\$195,000.00) appropriation to the Commission contained in §2 of Public
20 Law Number 25-29 for the purpose of holding a gubernatorial runoff
21 election is hereby de-appropriated.

22 (e) Four Hundred Sixty-four Thousand Thirty-six Dollars
23 (\$464,036.00) is hereby authorized and appropriated to the Commission
24 from the General Fund to fund the following items:

1 (i) One Hundred Fifty-six Thousand One Hundred
2 Ninety-four Dollars (\$156,194.00) for contractual services,
3 supplies, materials and utilities for conducting the Political Status
4 Plebiscite scheduled for July 1, 2000;

5 (ii) One Thousand Ninety-two Dollars (\$1,092.00) for
6 maintenance contract for three (3) IBM typewriters and three (3)
7 adding machines;

8 (iii) Six Thousand Seven Hundred Fifty Dollars (\$6,750.00)
9 for paper stock for the November 7, 2000 General Election;

10 (iv) Twenty Thousand Dollars (\$20,000.00) for capital
11 outlay to service balloting machines, and replace and upgrade
12 computer systems and software; *and*

13 (v) Two Hundred Eighty Thousand Dollars (\$280,000.00)
14 to replace and upgrade six (6) outdated tabulators.

15 **Section 4. Appropriation to the Guam Decolonization Registry**
16 **Board.** The Guam Decolonization Registry Board is hereby authorized
17 and appropriated the amount of One Hundred Thousand Dollars
18 (\$100,000.00) from the General Fund for purposes of performing its duties
19 under this Act.

20 Until such time as the Political Status Plebiscite is conducted, as set forth
21 in Public Law Number 23-147, the Chamorro Registry Board shall stay its
22 further operations. Thereafter, the Chamorro Registry Board shall resubmit to
23 *I Liheslaturan Guåhan* in conformance with the Administrative Adjudication
24 law its rules and regulations.

1 **Section 5.** The title to Public Law Number 23-147 is hereby *repealed and*
2 *reenacted* to read as follows:

3 “AN ACT TO CREATE THE COMMISSION ON
4 DECOLONIZATION FOR THE IMPLEMENTATION AND EXERCISE
5 OF GUAM SELF-DETERMINATION.”

6 **Section 6.** Section 21101 of Title 1 of the Guam Code Annotated, as
7 enacted by Public Law Number 23-147, is hereby *repealed and reenacted* to read
8 as follows:

9 “**Section 21101. Legislative Findings and Intent.** I

10 *Liheslaturan Guåhan* finds that the native inhabitants of Guam, since its
11 recorded history, have been subjected to incessant control by external
12 colonial powers. I *Liheslaturan Guåhan* further finds that upon the
13 execution of the bilateral treaty between the two (2) sovereign nations,
14 Spain and the United States of America, the transfer of colonial control
15 over the lands and the people of Guam was effectuated. The United
16 States, as the succeeding colonial power over the lands and the people of
17 Guam, acceded to and recognized in the 1898 Treaty of Paris that the
18 political rights of the native inhabitants of Guam shall be protected and
19 that their collective right to political self-determination is inalienable.

20 I *Liheslaturan Guåhan* further finds that the United States as the
21 administering power, in the Charter of the United Nations, designated
22 the territory of Guam as a ‘Non-Self Governing Territory.’ By doing so
23 it recognized that the native inhabitants have the right to one day
24 exercise their collective self-determination through a decolonization
25 process, to either join the ranks of self-governing entities as an

1 independent nation or an independent nation in free association with
2 another nation, or become a fully integrated state within the United
3 States of America.

4 Consistent with these inalienable principles, the native inhabitants
5 or people of Guam have been recognized by the U.S. Congress in the
6 1950 Organic Act of Guam, specifically in 48 U.S.C. §14211, as reenacted
7 in 8 U.S.C. §1407. Guam's right to self-determination is further founded
8 in the United States' yearly reports to the United Nations on the Non-
9 self Governing Territory of Guam; 1950 Organic Act of Guam; United
10 Nations Resolution Number 1541 (XV) United Nations Resolution 1514
11 (XV); §307 (a) of the United States Immigration and Nationality Act; and
12 Part I, Article 1, Paragraphs 1 and 3 of the International Covenant on
13 Civil and Political Rights.

14 It is the intention of *I Liheslaturan Guåhan* that three (3) political
15 options be presented to the Native Inhabitants of Guam to ascertain
16 their future political relationship with the United States of America,
17 namely, Independence, Free Association or Statehood."

18 **Section 7.** Section 21102(b) of Chapter 21 of Title 1 of the Guam Code
19 Annotated, as enacted by §2(b) of Public Law Number 23-147, is hereby
20 *repealed and reenacted* to read as follows:

21 "(b) 'Native Inhabitants of Guam' shall mean those persons
22 who became U.S. Citizens by virtue of the authority and
23 enactment of the 1950 Organic Act of Guam and descendants of
24 those persons."

1 **Section 8.** Section 21103 of Chapter 21 of Title 1 of the Guam Code
2 Annotated, as enacted by §3 of Public Law Number 23-147, is hereby *repealed*.

3 **Section 9.** Section 21104 of Chapter 21 of Title 1 of the Guam Code
4 Annotated, as enacted by §4 of Public Law Number 23-147, is hereby *repealed*
5 *and reenacted* to read as follows:

6 **“Section 21104. Creation and Membership on Commission.**

7 There is established a Commission on Decolonization for the
8 Implementation and Exercise of Guam Self-Determination for the Native
9 Inhabitants of Guam, which shall be composed of ten (10) members,
10 including the Chairperson.

11 *I Maga’lahen Guåhan* shall serve as the Chairperson of the
12 Commission. Three (3) members of the Commission shall be appointed
13 by *I Maga’lahen Guåhan*, of which one (1) shall be a member of and be
14 selected by *I Liheslaturan Guåhan’s* minority; one (1) member to be the
15 Chairperson of the Committee on Federal and Foreign Affairs, or its
16 equivalent legislative committee; one (1) member to be appointed by the
17 Speaker of *I Liheslaturan Guåhan*, who may appoint himself; one (1)
18 member of the Mayor’s Council to be appointed by the Council; one (1)
19 member representing the Judiciary to be appointed by the Presiding
20 Judge of the Superior Court of Guam; and one (1) member to represent
21 the youth of Guam to be appointed by the Speaker of the Youth
22 Congress from among the qualified members of the Congress, who may
23 appoint himself. The Commission shall choose a Vice-Chairperson from
24 among the members of the Commission.

1 No person shall be eligible to serve as a member of the
2 Commission, *unless* that person shall be a citizen of the United States
3 qualified to vote on Guam. *Except* for the Chairperson, members shall
4 serve throughout the life of the Commission and shall elect among
5 themselves a Vice-Chairperson, who shall serve as Chairperson in the
6 absence of *I Maga'lahen Guåhan*. Vacancies in the membership shall be
7 filled in the same manner as the original appointment."

8 **Section 10.** Section 21105 of Chapter 21 of Title 1 of the Guam
9 Code Annotated, as enacted by §5 of Public Law Number 23-147, is hereby
10 *repealed and reenacted* to read as follows:

11 **"Section 21105. Function.** The general purpose of the
12 Commission on Decolonization shall be to ascertain the intent of the
13 Native Inhabitants of Guam as to their future political relationship with
14 the United States of America. Once the intent of the Native Inhabitants
15 of Guam is ascertained, the Commission shall promptly transmit that
16 desire to the President and the Congress of the United States of America,
17 and to the Secretary General of the United Nations."

18 **Section 11.** Section 21110 of Chapter 21 of Title 1 of the Guam
19 Code Annotated, as enacted by §10 of Public Law Number 23-147, is hereby
20 *repealed and reenacted* to read as follows:

21 **"Section 21110. Plebiscite Date and Voting Ballot.** On July
22 1, 2000 the Guam Election Commission shall conduct a 'Political Status
23 Plebiscite' at which the following question, which shall be printed in
24 both English and Chamorro, shall be asked of the eligible voters:

1 'In recognition of your right to self-determination, which of
2 the following political status options do you favor? (Mark ONLY
3 ONE):

- 4 1. Independence ()
5 2. Free Association ()
6 3. Statehood ()'

7 Persons eligible to vote shall include those persons designated as Native
8 Inhabitants of Guam, defined within Chapter 21 of Title 3 of the Guam
9 Code Annotated, as enacted in this Act, who are eighteen (18) years of
10 age or older on the date of the Political Status Plebiscite, and are
11 registered voters on Guam."

12 **Section 12.** Section 20001 of Chapter 20 of Title 3 of the Guam
13 Code Annotated is hereby *repealed and reenacted* to read as follows:

14 "(a) 'Chamorro' shall mean:

15 (1) all inhabitants of the Island of Guam on April 11,
16 1899, including those temporarily absent from the Island on
17 that date and who were Spanish subjects; *and*

18 (2) all persons born on the Island of Guam *prior* to
19 1800, and their *descendants*, who resided on Guam on April
20 11, 1899, including those temporarily absent from the Island
21 on that date, and their descendants;

22 (i) '*descendant*' means a person who has
23 proceeded by birth, such as a child or grandchild, to
24 the remotest degree, from any 'Chamorro' as defined
25 above, and who is considered placed in a line of

1 succession from such ancestor where such succession
2 is by virtue of blood relations."

3 **Section 13.** All powers, duties, purposes and functions of the
4 Guam Decolonization Registry Board shall be vested in and exercised by the
5 Chamorro Registry Advisory Board, until such time that the initial members
6 of the Guam Decolonization Registry Board are appointed by *I Maga'lahen*
7 *Guâhan* and elect one (1) of its members as Chairperson.

8 **Section 14.** **Severability.** *If* any provision of this Act or its
9 application to any person or circumstance is found to be invalid or contrary to
10 law, such invalidity shall *not* affect other provisions or applications of this Act
11 which can be given effect without the invalid provisions or application, and to
12 this end the provisions of this Act are severable.

GUAM DECOLONIZATION REGISTRY.

Regulations.

- Section 1001. General Provisions.
- Section 1002. Definitions.
- Section 1003. Qualifications for Registration.
- Section 1004. Forms for Registration.
- Section 1005. Filing of Forms.
- Section 1006. Sufficiency of Proof.
- Section 1007. Registration Clerks; Duties Related to Registration.
- Section 1008. Completion of Registration.
- Section 1009. Preparation, Maintenance, and Certification of Guam Decolonization Registry and Index.
- Section 1010. Appeals from Denial of Registration.
- Section 1011. Cancellation of Affidavit Entered on Registry.
- Section 1012. Fees.
- Section 1013. Punishable Acts.
- Section 1014. Access Via Internet.
- Section 1015. Severability.

Section 1001. General Provisions.

(a) Authority. The Guam Election Commission ("Commission") is authorized by 3 GCA §2102(a) to establish rules to administer the Guam Elections Law, which is Title 3 of the Guam Code Annotated. The Guam Decolonization Registry law is

1 Chapter 21 of Title 3 of Guam Code Annotated, and is within the
2 Elections Law.

3 (b) **Purpose.** The purpose of these regulations is to
4 govern the compilation of the Guam Decolonization Registry by
5 the Commission, with the advice of the Guam Decolonization
6 Registry Board pursuant to statutory authority.

7 **Section 1002. Definitions.** As used in these regulations,
8 *unless* the context in which they are used requires a different meaning:

9 (a) *"Ascendants"* or *"lineal ascendants"* shall mean those
10 relatives with whom a person is related in the ascending line and
11 through whom registration rights are claimed, namely, parents,
12 grandparents, and other lineal ascendants. It does not include
13 collateral relatives such as brothers, sisters, uncles and aunts.

14 (b) *"Board"* shall mean the Guam Decolonization Registry
15 Board established under the Commission for the purposes of
16 guiding the establishment, administration and maintenance of the
17 Guam Decolonization Registry.

18 (c) *"Commission"* shall mean the Guam Election
19 Commission.

20 (d) *"Descendant"* shall mean a person who has proceeded
21 by birth, such as a child or grandchild, to the remotest degree,
22 from any Native Inhabitant of Guam, as defined herein, and who
23 is considered placed in a line of succession from such ancestor
24 where such succession is by virtue of blood relations.

1 (e) *“Eligible applicant”* shall mean one who has met all the
2 eligibility criteria as set out in these rules.

3 (f) *“Guam Decolonization Registry”* shall mean the index of
4 names established by the Guam Election Commission
5 (“Commission”) for the purposes of registering and recording the
6 names of the Native Inhabitants of Guam eligible to vote in an
7 election or plebiscite for self determination.

8 (g) *“Legal guardian”* shall mean a person invested by a
9 court of law with the power of taking care of the person of a minor
10 and or managing the minor’s property. Legal guardian shall also
11 mean a person who, by court order, is invested with the power of
12 taking care of a person who is incapable of doing so himself for
13 reasons of mental competency.

14 (h) *“Level of ancestry”* shall mean each generation in a
15 persons line of descent or ascent.

16 (i) *“Minors”* shall mean those persons who are below the
17 age of eighteen (18) years.

18 (j) *“Native Inhabitant of Guam”* shall mean the person as
19 defined in the Guam Decolonization Registry law, Chapter 21 of
20 Title 3 of the Guam Code Annotated, as enacted herein.

21 (k) *“Registry law”* shall mean that body of law as
22 contained within Chapter 21 of Title 3 of the Guam Code
23 Annotated, as enacted herein, and as may be added to, amended
24 or changed in any other way from time to time.

1 (l) “*Resides*” shall mean the domicile of record, and
2 “*residence*” and “*place of residency*” shall mean a place where a
3 person lives, and from which that person has no present and
4 definite intention of leaving permanently. Any questions
5 concerning residency may be resolved by §§9124 and 9125 of Title
6 3 of the Guam Code Annotated.

7 (m) “*Spanish subjects*” shall mean those persons who were
8 under the authority or control of Spain, or who gave their
9 allegiance to Spain, and, generally, precludes those persons who
10 were non-Spanish nationals.

11 (n) “*Spoiled affidavits*” shall mean those affidavits which
12 are mutilated or defective in some way, and thus marked with the
13 word “spoiled” across its face in ink or indelible pencil.

14 (o) “*Temporarily absent from Guam*” or a “*temporary absence*
15 *from Guam*” shall mean a person who resides and maintains that
16 person’s home on Guam, but who is away from Guam, usually
17 briefly, for reasons such as, but not limited to, a vacation, business,
18 college, hospitalization, military or prison, with the full intent of
19 returning to Guam following the conclusion of the reason for the
20 off-Island travel.

21 **Section 1003. Qualifications for Registration.**

22 (a) **Entitlement to Register.** Every person who is a
23 Native Inhabitant of Guam, as defined herein, or who is a
24 descendant of a Native Inhabitant of Guam, is entitled to register

1 with the Guam Decolonization Registry, regardless of place of
2 residence.

3 **Section 1004. Forms for Registration.**

4 (a) **By Affidavit.** Applications for registration shall be
5 by affidavit on a form prescribed by the Commission, and made in
6 triplicate. Forms of affidavit will be furnished upon written or
7 oral request. Each person furnishing application forms shall keep
8 a record of the names of individuals to whom forms are given, as
9 well as the control numbers of the forms and the date furnished, in
10 a control book. Instructions for completing and filing applications
11 shall be furnished with each form. The original and duplicate of
12 the form shall be kept at the Commission's office, with the third
13 copy going to the applicant.

14 (b) **Minimum Information Required.** Applications
15 for registration shall contain at least the following information:

16 (1) a control number for the purpose of keeping a
17 record of forms furnished interested individuals;

18 (2) full data pertaining to the applicant's registration
19 eligibility;

20 (3) applicant's full name and family name;

21 (4) applicant's mailing address;

22 (5) applicant's place of residence;

23 (6) an oath or affirmation by the applicant that the
24 information is true to the best of the applicant's knowledge;

25 *and*

1 (7) sufficient proof or affidavit pursuant to §1006.

2 **Section 1005. Filing of Forms.**

3 (a) **In Person.** Applications for registration shall be
4 taken by a registration clerk of the Commission at the
5 Commission's office. For a certain period of time after enactment
6 of the Guam Decolonization Registry law as may be determined
7 by the Commission upon advice of the Board, and for purposes of
8 the initial drive to register Native Inhabitants of Guam, affidavits
9 will also be taken at the Mayor's office in each municipality of
10 Guam, Guam Community College, University of Guam each high
11 school, or such other place as designated by the Commission. The
12 Commission may also designate such other times and places
13 within Guam for registration as is convenient for any reason.

14 (b) **Other Than in Person.** An applicant also may
15 file the application form via mail, or hand delivery by a person
16 who is *not* the applicant, so long as the applicant is already a
17 registered voter on Guam. Such applications must be sworn and
18 notarized, under penalty of perjury, and must be accompanied by
19 the appropriate supporting documentation. Upon receipt of an
20 affidavit which has been mailed, a registration clerk must verify
21 that the affidavit of registration is completely filled out and that
22 the supporting documentation sufficiently proves the applicant's
23 eligibility to register, including existing eligibility to vote on
24 Guam. When the registration clerk is satisfied, then the
25 registration clerk shall cause the affidavit to be filed in the book of

1 original and duplicate affidavits. Unlike affidavits which are filed
2 personally on-Island, affidavits of registration mailed from off-
3 Island are *not* considered completed until the affidavit and its
4 supporting documentation are verified to the satisfaction of a
5 registration clerk.

6 (c) **Time of Filing.** Applications shall be taken during
7 normal working hours. For purposes of voting in an election or
8 plebiscite, the eligible voter list shall be composed of those who
9 have registered at least ten (10) days before the election or
10 plebiscite. *If* the tenth (10th) day immediately prior to an election
11 or plebiscite falls on a Saturday, Sunday, legal holiday or other
12 non-business day, the ten (10) day period shall *not* include such
13 Saturday, Sunday, legal holiday or other non-business day, and
14 registration shall close at the close of business on the last working
15 day before such Saturday, Sunday, legal holiday or other non-
16 business day.

17 (d) **Who May Register Minors and Other Special**
18 **Persons.** Only a parent or legal guardian of a minor of Native
19 Inhabitant of Guam descent may register such a minor if the minor
20 shall become eligible to vote by the date of an election or plebscite.

21 (e) **Unreadable, Mutilated or Defective Applications.**
22 Applicants shall ensure that their applications are readable, and
23 *not* mutilated or defective in anyway.

24 **Section 1006. Sufficiency of Proof.** Each applicant for
25 registration shall prove eligibility by submitting the appropriate

1 documentation with the affidavit of registration as may be required by
2 the Commission, or in lieu of such documentation, the applicant may
3 swear in the affidavit, under penalty of perjury, or that the applicant is
4 otherwise an eligible Native Inhabitant of Guam under the definition of
5 "*Native Inhabitant of Guam*" in these regulations. Documentary evidence
6 such as, but not limited to, birth certificates, death certificates, baptismal
7 records and copies of probate findings may be used to support claims of
8 eligibility for registration. *If* the before identified documents are within
9 the control of the government of Guam and are needed by the applicant
10 to prove lineage, costs for providing these documents shall be waived.
11 *If* the holder of the original document does *not* certify copies of its
12 records, then any other form of authenticating the copy is acceptable.
13 Documentation to verify the relationship between a minor or other
14 person, and the person registering the minor or other person shall be
15 required.

16 Only one (1) set of documentation proving eligibility shall be
17 required from each applicant. Upon acceptance of the documentation
18 by the registration clerk, the registration clerk shall make two (2) copies
19 of the documentation, one (1) for attachment to the duplicate affidavit
20 and the other for attachment to the third affidavit being returned to the
21 applicant.

22 **Section 1007. Registration Clerks; Duties Related to**
23 **Registration. (a) Appointment of Temporary Volunteers.**

24 During the initial drive to register Native Inhabitants of Guam, the
25 Commission shall deputize as many volunteers as registration

1 clerks as is necessary for each municipality. The Commission may
2 also deputize volunteers at any other time considered to be
3 advisable or convenient to register Native Inhabitants of Guam at
4 any place considered to be advisable or convenient. Only persons
5 eighteen (18) years of age or over who are *not* elected officials, nor
6 are candidates for an elected office may serve as temporary
7 volunteer registration clerks. They shall be compensated in
8 accordance with the provisions of §3111 of Title 3 of the Guam
9 Code Annotated.

10 **(b) Supervision.** The Commission shall supervise all
11 registration clerks who are registering Native Inhabitants of Guam
12 for the Guam Decolonization Registry, or performing any other
13 duties in connection with the Registry, *except* that if any duties of a
14 registration clerk for the Registry overlap with the duties of a
15 registration clerk of the Commission, then the Commission shall
16 have the decision-making authority concerning such overlapping
17 matters, taking into consideration the Board's recommendations.

18 **(c) Empowerment to Take Affidavits.** All
19 registration clerks are empowered to take affidavits of registration,
20 and it is their duty to take affidavits of registration.

21 **(d) Duties When Processing Affidavits.** When a filled
22 out affidavit for registration is presented, the registration clerk
23 shall review the affidavit to ensure that the affidavit form is fully
24 completed and readable. *If* a clerk determines that the application
25 is fully completed and readable, then the applicant shall sign the

1 affidavit of registration before the registration clerk, and the clerk
2 shall notarize the affidavit.

3 **(e) Non-acceptance of Incomplete, Mutilated or**
4 **Defective Affidavits.** A registration clerk shall *not* accept or
5 notarize any application which is filled out, but which cannot be
6 read with reasonable effort. Unreadable applications are
7 considered incomplete. *If* such incomplete application cannot be
8 reasonably corrected, then the registration clerk shall consider the
9 affidavit spoiled, marking it as such, and offer the applicant a new
10 application. Mutilated or partially or fully destroyed applications,
11 or applications that exhibit other defects which are *not* inherent to
12 the form, shall also *not* be accepted, but shall instead be marked
13 "*spoiled*" as provided for in these regulations, with a new
14 application being furnished to the applicant upon request.

15 **(f) No Denial of Registration of Eligible Applicants.**
16 No applicant who is eligible for registration by reason of having
17 sufficiently proved the applicant's eligibility may be denied
18 registration. Registration clerks shall accept and notarize the
19 application of any eligible applicant.

20 **(g) Return of Spoiled and Unused Affidavits.**
21 Registration clerks shall return all spoiled and unused affidavits
22 and all control books and related items in their possession to the
23 Commission. Spoiled affidavits shall be defaced by drawing
24 across its face, in ink or indelible pencil, the word "*spoiled.*"

1 **Section 1008. Completion of Registration.** Acceptance of
2 an application by the registration clerk's notarial act signifies that the
3 applicant has become a registrant with the Guam Decolonization
4 Registry, and such act of registration is permanent for all purposes. For
5 applications which are mailed in from off-Island, the provisions of
6 §1005(b) shall apply. A card signifying registration with the Guam
7 Decolonization Registry shall be issued to each registrant by the
8 Commission. Lost or stolen cards may be replaced.

9 **Section 1009. Preparation, Maintenance, and Certification of**
10 **Guam Decolonization Registry and Index. (a) Original**

11 **Affidavits.** All original affidavits of registration, together
12 with supporting documentation, which shall be securely fastened
13 to such affidavits and which shall be considered a part of such
14 affidavits, shall constitute the Guam Decolonization Registry, and
15 shall be kept in the Commission's office under lock. Original
16 affidavits shall be filed in alphabetical order.

17 **(b) Duplicate Affidavits.** The Commission shall keep
18 duplicates of the affidavits in alphabetical order, with all
19 attachments, separately from the original, bound in book form,
20 and under separate lock from the originals.

21 **(c) Certified Copies.** Upon the request of any
22 registered Native Inhabitant of Guam, the Commission shall
23 furnish a certified copy of the entries relating to the person so
24 requesting, at a fee as later indicated in these regulations.

1 **(d) Index.** The Commission shall prepare an
2 alphabetical index of the Guam Decolonization Registry, which
3 shall contain at least the following information for each registrant:

- 4 (i) a roll number;
- 5 (ii) full name;
- 6 (iii) mailing address;
- 7 (iv) place of residence;
- 8 (v) sex;
- 9 (vi) date of birth;
- 10 (vii) date of death, when applicable; *and*
- 11 (viii) as much of the same information for the ancestor
12 through whom eligibility was established as may be
13 conveniently accommodated in the index.

14 **(e) Entry of Data and Update of Index.** The
15 Commission shall enter all pertinent information into its data bank
16 on a daily basis, and update and print on a monthly basis the
17 index on which shall be notated all changes, including, but not
18 limited to, cancellations and deaths.

19 **(f) Copies of Index.** The Commission shall furnish a
20 sufficient number of copies of the index of the Registry to any
21 government agency so requesting, free of charge. The
22 Commission shall also provide a copy of the index to anyone
23 requesting one in writing, but at a fee as provided in these
24 regulations.

25 **(g) Other Rolls or Lists from Registry Information.**

1 The Commission shall prepare, from time to time as necessary, a
2 Native Inhabitant of Guam voters roll from information in the
3 Registry, which roll shall contain the names of Native Inhabitants
4 of Guam eligible to vote at any election on Guam. The
5 Commission may also print from time to time, and as necessary,
6 any other lists or rolls for uses to which the Registry may be put,
7 whether expressly or implied by any laws.

8 **Section 1010. Appeals from Denial of Registration.**

9 (a) **Notification of Applicant.** In the event of rejection of an
10 application or denial of registration due to insufficiency of proof or
11 application, the Commission shall immediately notify the applicant in
12 writing, and the applicant may either resubmit a sufficient application
13 or appeal the rejection in accordance with this Section.

14 (b) **Procedure for Filing Appeal.** Appeals from applicants,
15 or from an applicant's parent, or legal guardian in the case of a minor,
16 who have been denied registration must be in writing to the
17 Commission and in accordance with the procedures of Guam's
18 Administrative Adjudication Law. When the appeal is on behalf of
19 more than one (1) person, the name of each person must be listed in the
20 appeal. Adequate notice of the right to appeal must be furnished each
21 applicant being denied registration. No right to appeal exists for an
22 application which is incomplete.

23 (c) **Decision of Commission.** When an appeal is before the
24 Commission, the decision of the Commission shall be in writing and
25 written notice of its decision shall be given the individual, parent or

1 guardian having legal custody of a minor, as applicable. The name of
2 any person whose appeal has been sustained shall be added to the
3 Guam Decolonization Registry. *If* the Commission upholds the denial
4 of a registration, then such applicant may file an action in the Superior
5 Court of Guam.

6 **Section 1011. Cancellation of Affidavit Entered on Registry.**

7 (a) **Illegal Registrations.** The Commission shall
8 *automatically* cancel any registration which is made illegally as
9 decided in the Superior Court of Guam, without notice to the
10 registrant.

11 (b) **Mistaken Registrations.** The Commission may
12 also cancel any registration which it has mistakenly caused to be
13 entered on the Registry and for which proof is, in fact, insufficient
14 as later discovered. In this event the Commission must give
15 written notice of its intent to take such action and proceed in
16 accordance with Guam's Administrative Adjudication Law.

17 (c) **Compelling Cancellation.** Anyone may file an
18 action in the Superior Court of Guam to compel the Commission
19 to cancel a registration which was made illegally.

20 (d) **Procedure for Canceling.** When cancellation is
21 appropriate, it is done by writing or stamping on the affidavit of
22 registration the word "*cancelled*," the reason therefor, and the
23 canceling official shall sign and date that official's entry of
24 cancellation, and shall do so on both the original and duplicate
25 affidavits. Cancelled original affidavits shall be removed from the

1 Registry and shall be kept separately from all other documents on
2 record with the Commission, in a book for cancelled originals.

3 Duplicates shall also be removed from the book of duplicate
4 affidavits and marked "*cancelled*" if the original affidavit has been
5 cancelled, and kept separately from all other documents.
6 Cancelled original and duplicate affidavits shall be kept in the
7 same manner as un-cancelled ones; that is, in alphabetical order
8 and under lock.

9 (e) **Notification of Cancellation on Index.** Upon
10 cancellation of a registration, the Commission shall immediately
11 enter the information in its data bank.

12 **Section 1012. Fees.**

13 (a) **No Charge for Affidavit or Registration Card.**
14 No fees shall be charged by a registration clerk for taking an
15 affidavit of registration, or for the issuance of a registration card,
16 *except* that the expenses to issue any replacement card for lost or
17 stolen cards may be recovered.

18 (b) **Charge for Certified Copy of Registry Entries.**
19 The Commission shall charge Ten Cents (\$.10) for the first page
20 and Two Cents (\$.02) for each additional page for a certified copy
21 of the entry of any registrant described in §1009(c) above.

22 (c) **Charge for Copy of Index.** The Commission shall
23 charge Ten Cents (\$.10) for the first page and Two Cents (\$.02) for
24 each additional page for a copy of the index.

1 (d) **Charge for Replacement of Lost or Stolen**
2 **Registration Card.** The Commission shall charge One Dollar
3 (\$1.00) to replace a registration card which the registrant claims is
4 lost or stolen.

5 (e) **Deposit of Fees.** All fees collected shall be
6 deposited into the General Fund.

7 **Section 1013. Punishable Acts.**

8 (a) **Unlawful Registrations.** Pursuant to 3 GCA
9 §21009, anyone who willfully allows oneself to be registered with
10 the Guam Decolonization Registry, knowing oneself is *not* entitled
11 to register, is guilty of a misdemeanor. Anyone who willingly
12 assists, or willingly allows, another to register knowing that the
13 person being registered is *not* entitled to registration, is also guilty
14 of a misdemeanor.

15 (b) **Neglect of Duties.** *If* any registration clerk or other
16 person having the duty to handle affidavits of registration, the
17 Registry, index, or any aspect of entry on the Registry or index,
18 neglects or refuses to make an entry required by these regulations
19 or by the Registry law, or neglects or refuses to do any other act
20 required by the Registry law or regulations, then the Commission
21 shall report, under oath, such neglect or refusal to the Attorney
22 General of Guam. A conviction of such act or omission is a
23 misdemeanor.

24 (c) **Suspension and Removal.** *If* any registration
25 clerk fails to obey the Board, the Board shall recommend the

1 suspension of such clerk to the Commission and the appointment
2 of a substitute. *If* the registration clerk's acts or omissions with
3 regard to the Registry lead to a finding of guilt in a court of law,
4 then the Commission shall recommend the removal of such clerk
5 to *I Maga'lahaen Guahan* who shall have the power to do so.

6 (d) **Costs Recoverable from Registration Clerk.** Costs
7 may be recovered against any registration clerk who knowingly
8 and willfully violates that person's duty *if* the registration clerk is
9 charged in a complaint accordingly by the Attorney General of
10 Guam, and such registration clerk is subsequently convicted.

11 **Section 1014. Access Via Internet.** *If* feasible, the
12 Commission may make available via the Internet any information and
13 forms concerning the Registry, provided all applicable laws, including
14 these rules, are observed.

15 **Section 1015. Severability.** *If* any provision of these
16 Regulations or its application to any person or circumstance is found to
17 be invalid or contrary to law, such invalidity shall *not* affect other
18 provisions or applications of these Regulations which can be given effect
19 without the invalid provisions or application, and to this end the
20 provisions of these Regulations are severable.