



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

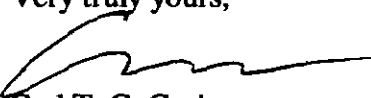
SEP 06 2002

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

Dear Legislative Secretary Brown:


Enclosed please find Substitute Bill No. 362 (COR) "AN ACT TO ADD § 31215 TO TITLE 7 AND TO AMEND § 79101 OF TITLE 12, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO THE POWERS OF THE COURT ISSUING MANDAMUS RELIEF, EXTENDING THE FILING DEADLINE FOR THE CONSOLIDATED COMMISSION ON UTILITIES FOR YEAR 2002 ELECTIONS AND FOR OTHER PURPOSES," which was vetoed by the Governor and subsequently overridden by the Legislature. This legislation is now designated as **Public Law No. 26-126**.

Very truly yours,


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

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	1:03
Date	9/6/02

0913

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 362 (COR), "AN ACT TO ADD § 31215 TO TITLE 7 AND TO AMEND § 79101 OF TITLE 12, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO THE POWERS OF THE COURT ISSUING MANDAMUS RELIEF, EXTENDING THE FILING DEADLINE FOR THE CONSOLIDATED COMMISSION ON UTILITIES FOR YEAR 2002 ELECTIONS AND FOR OTHER PURPOSES," returned without approval of *I Maga'lahaen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 4th day of September, 2002, to pass said bill notwithstanding the veto of *I Maga'lahaen Guåhan* by a vote of fourteen (14) members.



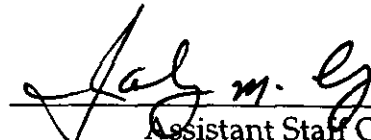
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4th day of Sept,
2002, at 18:15 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 362 (COR)

As substituted on the Floor.

Introduced by:

Mark Forbes

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

L. F. Kasperbauer

L. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

A. L.G. Santos

A. R. Unpingco

J. T. Won Pat

**AN ACT TO ADD § 31215 TO TITLE 7 AND TO
AMEND § 79101 OF TITLE 12, ALL OF THE GUAM
CODE ANNOTATED, RELATIVE TO THE POWERS
OF THE COURT ISSUING MANDAMUS RELIEF,
EXTENDING THE FILING DEADLINE FOR THE
CONSOLIDATED COMMISSION ON UTILITIES FOR
YEAR 2002 ELECTIONS AND FOR OTHER
PURPOSES.**

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

2 **Section 1.** Section 31215 is hereby *added* to Article 2, Chapter 31,
3 Division 3 of Title 7 of the Guam Code Annotated:

4 **"Section 31215. Additional Powers of Court.** In the event
5 that a Court has issued a mandate to any inferior tribunal, corporation,
6 board or person, and the inferior tribunal, corporation, board or person
7 refuses to comply with the Court's mandate, the Court, in addition to its
8 other powers contained within this Chapter and under law, may take
9 such action that was mandated by the Court, including, but *not* limited
10 to, making appointments, whether those appointments are ministerial
11 or discretionary. This Section shall also apply to any Court issued
12 mandates existing at the time of enactment of this Section."

13 **Section 2.** Section 79101 of Chapter 79, Division 2 of Title 12 of the
14 Guam Code Annotated is hereby *amended* to read as follows:

15 **"Section 79101. Commissioners.** The Commission shall be
16 comprised of five (5) Commissioners elected at-large by the voters of
17 Guam in a General Election. To be eligible to be a Commissioner, a
18 person must be a registered voter of Guam and a *minimum* of twenty-
19 five (25) years of age, and shall have been a resident of Guam for *at least*
20 five (5) years *prior* to the date of the Commissioner's election. A person
21 may *not* simultaneously serve as a Commissioner and an employee of
22 the government of Guam, *except* that an adjunct instructor, teacher or
23 professor employed by the University of Guam or the Guam
24 Community College shall *not* be considered an employee of the

1 government of Guam for the purpose of this Section and may thus serve
2 as a Commissioner.

3 Persons retired from the government of Guam may serve as
4 Commissioners. At their first official meeting, the Commissioners shall
5 elect from among the Commissioners a chairperson, who shall preside
6 over meetings of the Commission. A majority of the Commissioners
7 holding office shall constitute a quorum. The affirmative vote of the
8 Commissioners holding office shall constitute the decision of the
9 Commission. The Commission may adopt rules and regulations
10 governing the conduct of its affairs.”

11 **Section 3. Extension of Filing Deadline for 2002 Election for**
12 **Consolidated Commission on Utilities.** Notwithstanding any other
13 provisions of law, including 3 G.C.A. § 6112, as repealed and reenacted by
14 Public Law Number 26-119, the filing deadline for candidates for the
15 Consolidated Commission on Utilities shall be by 5:00 p.m. on September 16,
16 2002 for the 2002 election year.


17 **Section 4. Severability.** *If* any provision of this Law or its
18 application to any person or circumstance is found to be invalid or contrary to
19 law, such invalidity shall *not* affect other provisions or applications of this
20 Law which can be given effect without the invalid provisions or application,
21 and to this end the provisions of this Law are severable.



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 04 2002

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	1002
Date	9/4/02

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 362 (COR) "AN ACT TO ADD § 31215 TO TITLE 7 AND TO AMEND § 79101 OF TITLE 12, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO THE POWERS OF THE COURT ISSUING MANDAMUS RELIEF, EXTENDING THE FILING DEADLINE FOR THE CONSOLIDATED COMMISSION ON UTILITIES FOR YEAR 2002 ELECTIONS AND FOR OTHER PURPOSES," which I have vetoed.

This legislation extends, for the second time, the deadline for filing for election to membership on the Combined Elected Utilities Commission. This new commission will oversee the operations of both the Guam Waterworks Authority and the Guam Power Authority. Besides prejudicing those who have already met the previous filing date by opening up the election, a second time, to additional competition, this legislation prevents the Guam Election Commission from sending out ballots to absentee voters by the required deadline.

The Guam Election Commission office must send out ballots by no later than Wednesday, September 18, to meet the 45-day deadline to get ballots to absentee voters for the General Election. At this time, the drawing to select ballot placement is set for September 12, 2002. This will allow just enough time for ballot placement to be decided and to design, print, dry, and separate the ballots to prepare them for mailing. It is not possible to delay the inclusion of candidates to file papers until September 18 for one of the numerous elections on the ballot and still meet the deadline.

In addition to the logistics of sending out ballots beyond the deadline, this legislation also is discriminatory. Section Two of the legislation carves out a separate class of individuals who are allowed to serve as members of the Combined Elected Utilities Commission for employees of the Guam Community College and the University of Guam. While employees of these institutions may

0908

Legislative Secretary
SB362;veto
August, 2002
Page 2

be good members of this commission, so might employees of other government agencies. To allow some government employees to serve on this commission, but not others, improperly creates categories that discriminate against those employees who might want to serve on this commission and are prevented from doing so. There are experienced, educated, and qualified employees within other government agencies as well as within the educational institutions.

Finally, the legislation concerning the additional powers of the court is inorganic with regard to appointments in the government. While the section can be applied in some cases to the private sector and in civil cases concerning corporations and other such bodies within the private sector, it cannot be applied in cases concerning the Governor's appointment powers under the Organic Act. The section is overbroad in its application.

Very truly yours,



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

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session


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

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ANTONIO R. UNPINGCO
Speaker

Attested:



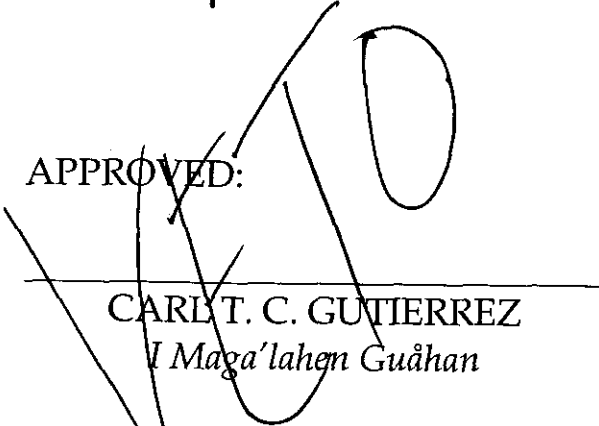
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23 day of August, 2002,
at 10:45 o'clock P..M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 362 (COR)

As substituted on the Floor.

Introduced by:

Mark Forbes

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

L. F. Kasperbauer

L. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

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

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4 **“Section 31215. Additional Powers of Court.** In the event
5 that a Court has issued a mandate to any inferior tribunal, corporation,
6 board or person, and the inferior tribunal, corporation, board or person
7 refuses to comply with the Court’s mandate, the Court, in addition to its
8 other powers contained within this Chapter and under law, may take
9 such action that was mandated by the Court, including, but *not* limited
10 to, making appointments, whether those appointments are ministerial
11 or discretionary. This Section shall also apply to any Court issued
12 mandates existing at the time of enactment of this Section.”

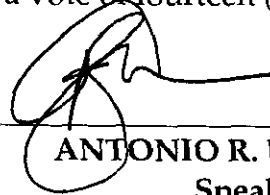
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14 Guam Code Annotated is hereby *amended* to read as follows:

15 **“Section 79101. Commissioners.** The Commission shall be
16 comprised of five (5) Commissioners elected at-large by the voters of
17 Guam in a General Election. To be eligible to be a Commissioner, a
18 person must be a registered voter of Guam and a *minimum* of twenty-
19 five (25) years of age, and shall have been a resident of Guam for *at least*
20 five (5) years *prior* to the date of the Commissioner’s election. A person
21 may *not* simultaneously serve as a Commissioner and an employee of
22 the government of Guam, *except* that an adjunct instructor, teacher or
23 professor employed by the University of Guam or the Guam
24 Community College shall *not* be considered an employee of the

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

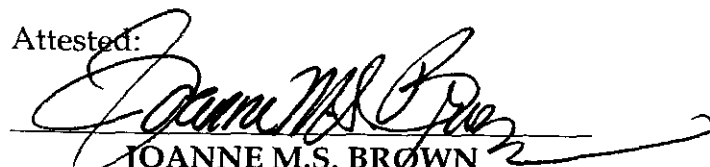
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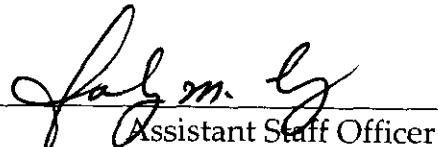
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4 day of Sept,
2002, at 1815 o'clock P..M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

Overridden

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/4/02

VOTING SHEET

Vetoed
Bill No. 362
Resolution No. _____
Question: _____

20-120

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.		✓			
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 04 2002

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

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By [Signature]

Time 1002

Date 9/4/02

Dear Legislative Secretary Brown:

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0908

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session


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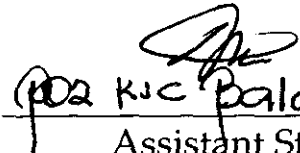
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 23 day of August, 2002,
at 10:45 o'clock P..M.



(102 KJC Palajadia #212
Assistant Staff Officer
Maga'laha's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 362 (COR)

As substituted on the Floor.

Introduced by:

Mark Forbes

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

L. F. Kasperbauer

L. A. Leon Guerrero

K. S. Moylan

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19 five (25) years of age, and shall have been a resident of Guam for *at least*
20 five (5) years *prior* to the date of the Commissioner's election. A person
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22 the government of Guam, *except* that an adjunct instructor, teacher or
23 professor employed by the University of Guam or the Guam
24 Community College shall *not* be considered an employee of the

1 government of Guam for the purpose of this Section and may thus serve
2 as a Commissioner.

3 Persons retired from the government of Guam may serve as
4 Commissioners. At their first official meeting, the Commissioners shall
5 elect from among the Commissioners a chairperson, who shall preside
6 over meetings of the Commission. A majority of the Commissioners
7 holding office shall constitute a quorum. The affirmative vote of the
8 Commissioners holding office shall constitute the decision of the
9 Commission. The Commission may adopt rules and regulations
10 governing the conduct of its affairs.”

11 **Section 3. Extension of Filing Deadline for 2002 Election for**
12 **Consolidated Commission on Utilities.** Notwithstanding any other
13 provisions of law, including 3 G.C.A. § 6112, as repealed and reenacted by
14 Public Law Number 26-119, the filing deadline for candidates for the
15 Consolidated Commission on Utilities shall be by 5:00 p.m. on September 16,
16 2002 for the 2002 election year.

17 **Section 4. Severability.** *If* any provision of this Law or its
18 application to any person or circumstance is found to be invalid or contrary to
19 law, such invalidity shall *not* affect other provisions or applications of this
20 Law which can be given effect without the invalid provisions or application,
21 and to this end the provisions of this Law are severable.

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 8/23/02
Friday

VOTING SHEET

5 Bill No. 362

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.					✓
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.					✓
CHARFAUROS, Mark C.		✓			
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.					✓
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.					✓
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

10 1 _____ _____ 4

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Vetoed 9/4/02

Overridden 9/4/02 PL-26-



MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hiniråt, Rifotma yan Rinueba,
yan Asunton Fidiråt, Taotao Hiyong yan Hiniråt

*Senadot Mark Forbes, Gebilu
Kabisiyon Mayuråt*

14 AUG 2002

Speaker Antonio R. Unpingco
I Mina' Bente Sais Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

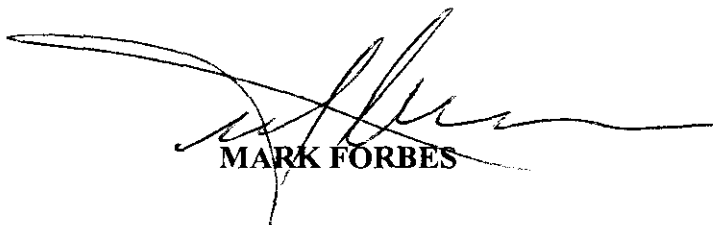
Dear Mr. Speaker:

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 362, was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 362: "An Act To Repeal And Reenact Section 2101 Of Title 3 Of The Guam Code Annotated, Relative To The Appointment Of The Members Of The Guam Election Commission By The Recognized Political Parties Of Guam."**

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>
TO REPORT OUT	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments



MINA 'ENTE SAIS NA LIHE LATURAN GUAHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,
yan Asuntón Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

14 AUG 2002

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report- BILL NO. 362: "An Act To Repeal And Reenact Section 2101 Of Title 3 Of The Guam Code Annotated, Relative To The Appointment Of The Members Of The Guam Election Commission By The Recognized Political Parties Of Guam."

Transmitted herewith for your information and action is the report on Bill No. 362, from the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No.362
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

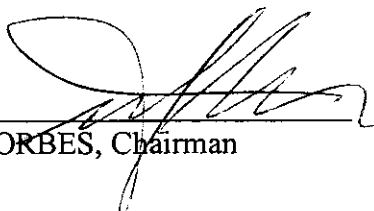
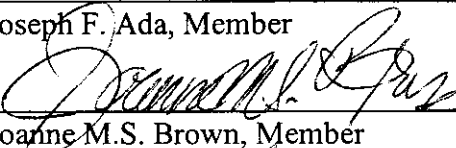
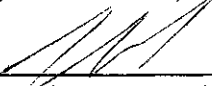
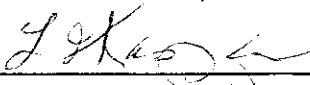
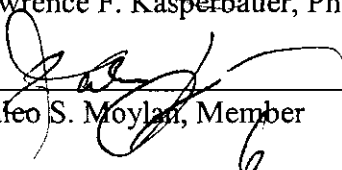
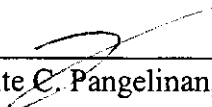

MARK FORBES

Attachments

**Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal,
Foreign and General Affairs**
I Mina' Bente Sais Na Liheslaturan Guåhan

Voting Record

BILL NO. 362: "An Act To Repeal And Reenact Section 2101 Of Title 3 Of The Guam Code Annotated, Relative To The Appointment Of The Members Of The Guam Election Commission By The Recognized Political Parties Of Guam."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>INACTIVE FILE</u>	<u>REPORT OUT</u>
 MARK FORBES, Chairman	✓				
Joseph F. Ada, Member					
 Joanne M.S. Brown, Member	✓				
 Eddie B. Calvo, Member	✓				
Felix P. Camacho, Member					
 Lawrence F. Kasperbauer, Ph. D., Member	X				
 Kateo S. Moylan, Member	✓				
Antonio R. Unpingco, <i>Ex-Officio Member</i>					
Thomas C. Ada, Member					
Lou A. Leon Guerrero, Member					
 Vicente C. Pangelinan, Member	✓				

I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
COMMITTEE ON RULES, GENERAL GOVERNMENTAL
OPERATIONS, REORGANIZATION AND REFORM, AND
FEDERAL, FOREIGN AND GENERAL AFFAIRS

SENATOR MARK FORBES, CHAIRMAN

COMMITTEE REPORT
ON
BILL NO. 362:

“AN ACT TO REPEAL AND REENACT SECTION 2101 OF
TITLE 3 OF THE GUAM CODE ANNOTATED, RELATIVE TO
THE APPOINTMENT OF THE MEMBERS OF THE GUAM
ELECTION COMMISSION BY THE RECOGNIZED POLITICAL
PARTIES OF GUAM.”

I. OVERVIEW

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs held a public hearing at 10:00 a.m. on August 12, 2002 in the Public Hearing Room, Temporary Legislative Building, Hagatna, Guam. Public Notice was provided to the media on August 09, 2002.

Senators present at the public hearing were:

- Senator Mark Forbes, Chairman
- Senator Eddie B. Calvo, Member
- Senator Larry Kasperbauer, Member
- Senator Tom Ada, Member
- Senator Lou Leon Guerrero, Member
- Senator Ben Pangelinan, Member

II. SUMMARY OF TESTIMONY

There were no testimonies (oral or written) presented to the committee for Bill No. 362.

III. FINDINGS AND RECOMMENDATION

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs finds that Bill No. 362 is an important change to the appointment process of the Guam Election Commission.

Accordingly, the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No 362 was referred does hereby submit its findings and recommendations to I Mina' Bente Sais Na Liheslaturan Guahan **TO DO PASS BILL NO. 362**: "An Act To Repeal And Reenact Section 2101 Of Title 3 Of The Guam Code Annotated, Relative To The Appointment Of The Members Of The Guam Election Commission By The Recognized Political Parties Of Guam".



MINA ' BENTE SAIS NA LIHESLATURAN GUAHAN

K. Lehan Areklamento, Hinanao Gubetnamento Hinirát, Rifotma yan Rinueba,
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurd*

08 AUG 2002

MEMORANDUM

TO: Chairman
Committee on Rules, General Governmental Operations, Reorganization and
Reform, and Federal, Foreign and General Affairs

FROM: Chairman
Committee on Rules, General Governmental Operations, Reorganization and
Reform, and Federal, Foreign and General Affairs

SUBJECT: Principal Referral - Bill No. 362 (COR)

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



1 members shall be appointed ~~from recommendations made~~ by the
2 recognized political parties of Guam. Each of the recognized political
3 parties, *via* a duly passed resolution, shall ~~recommend~~ submit an equal
4 number of ~~names to I Maga'lahañ Guåhan~~ appointments to the Chief
5 Justice of the Supreme Court of Guam, who shall swear in the six (6)
6 members appointed by the recognized political parties ~~and the six (6)~~
7 ~~members appointed by I Maga'lahañ Guåhan~~ shall be appointed so that
8 the recognized political parties are equally represented. *If* at any time
9 there are more than three (3) recognized political parties, the six (6)
10 members appointed by ~~I Maga'lahañ Guåhan~~ the recognized political
11 parties shall be appointed so that *no more than* two (2) of such members
12 shall be members of the same recognized political party. One (1)
13 member shall be selected and appointed by the six (6) members
14 appointed by ~~I Maga'lahañ Guåhan~~ the recognized political parties. The
15 appointment of the seventh member of the Commission shall be
16 concurred in by at least four (4) members. The members shall serve for
17 a term of two (2) years. *If* a vacancy should occur on the Commission,
18 said vacancy shall be filled for the remainder of the term only, and by
19 the method originally prescribed for its appointment. No member may
20 be an elected official of the government nor a candidate or nominee for
21 an elected office within the government.

22 (b) Every member of the Commission who is *not* in the service
23 of the government, for which that person receives an annual
24 compensation, shall be paid Fifty Dollars (\$50.00) for each attendance of

1 a meeting upon that person's duties. *Subject* to the availability of funds
2 and in compliance with any applicable provision of law, any member
3 may be reimbursed reasonable expenses authorized by the Commission
4 to be incurred in the performance of that person's office.

5 (c) Any appointed member may be removed for misconduct in
6 office by a resolution duly adopted by a vote of two-thirds (2/3s) of the
7 members elected and serving in *I Liheslaturan Guåhan*. At the written
8 request *via* a duly passed resolution of the state central committee of
9 any political party that has recommended the appointment of a
10 member, ~~*I Maga'laken Guåhan*~~ the Chief Justice of the Supreme Court of
11 Guam *immediately* shall remove such member from the Commission.
12 The seventh member chosen by the six (6) politically recommended
13 members may be removed upon a vote by five (5) of the politically
14 appointed members. Any vacancy resulting from the provisions of this
15 Paragraph shall be filled as provided in Paragraph (a).

16 (d) A majority of the members of the Commission shall
17 constitute a quorum and no action of the Commission shall be
18 authorized, *except* upon a vote of four (4) of the members.

19 (e) By majority vote the Commission shall elect annually a
20 Chairman from among its members. The term of the Chairman shall
21 expire on the last day of June."

MINA'BENTE SAIS NA LIHESLATURAN GUAHAN
2002 (SECOND) Regular Session

Bill No. 362 (COR)

Introduced by:

Mark Forbes 

AN ACT TO REPEAL AND REENACT SECTION 2101
OF TITLE 3 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE APPOINTMENT OF THE
MEMBERS OF THE GUAM ELECTION
COMMISSION BY THE RECOGNIZED POLITICAL
PARTIES OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1.** Section 2101 of Title 3 of the Guam Code Annotated, as
3 repealed and reenacted by Public Law No. 25-146, is hereby *amended* to read
4 as follows:

5 **"Section 2101. Election Commission: Composition; Removal**
6 **of Members; Chairman; Quorum.** (a) There is within, as an
7 autonomous instrumentality and an independent commission of the
8 government of Guam, the Election Commission. The Commission shall
9 consist of seven (7) members, all of whom shall be eligible voters on the
10 date of their appointment. ~~I Maga'lahaen Guahan shall appoint Six (6)~~

1 members shall be appointed ~~from recommendations made~~ by the
2 recognized political parties of Guam. Each of the recognized political
3 parties, *via* a duly passed resolution, shall ~~recommend~~ submit an equal
4 number of ~~names to I Maga'lahaen Guahan~~ appointments to the Chief
5 Justice of the Supreme Court of Guam, who shall swear in the six (6)
6 members appointed by the recognized political parties ~~and the six (6)~~
7 ~~members appointed by I Maga'lahaen Guahan~~ shall be appointed so that
8 the recognized political parties are equally represented. *If* at any time
9 there are more than three (3) recognized political parties, the six (6)
10 members appointed by ~~I Maga'lahaen Guahan~~ the recognized political
11 parties shall be appointed so that *no more than* two (2) of such members
12 shall be members of the same recognized political party. One (1)
13 member shall be selected and appointed by the six (6) members
14 appointed by ~~I Maga'lahaen Guahan~~ the recognized political parties. The
15 appointment of the seventh member of the Commission shall be
16 concurred in by at least four (4) members. The members shall serve for
17 a term of two (2) years. *If* a vacancy should occur on the Commission,
18 said vacancy shall be filled for the remainder of the term only, and by
19 the method originally prescribed for its appointment. No member may
20 be an elected official of the government nor a candidate or nominee for
21 an elected office within the government.

22 (b) Every member of the Commission who is *not* in the service
23 of the government, for which that person receives an annual
24 compensation, shall be paid Fifty Dollars (\$50.00) for each attendance of