




Office of the Governor of Guam

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Office of the People's Speaker
vicente (sen) c. pangelinan

OCT 28 2004

TIME: 11:40 (L) AM () PM
RECEIVED BY: 

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

28 OCT 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 374 (LS), "AN ACT TO CURE DEFECTS IN COMPLIANCE WITH 3 GCA §17509 AND §17511 AND TO ADD §17509.1 AND TO REPEAL 3 GCA §8103 TO ALLOW ADVERTISING ON ELECTION DAY," which I signed into law on October 27, 2004 as **Public Law No. 27-108**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga' Låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

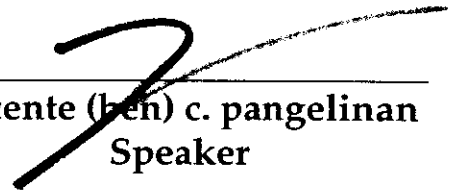
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

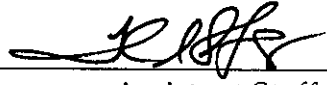
This is to certify that Substitute Bill No. 374 (LS), "AN ACT TO CURE DEFECTS IN COMPLIANCE WITH 3 GCA §17509 AND §17511 AND TO ADD §17509.1; AND TO REPEAL 3 GCA §8103 TO ALLOW ADVERTISING ON ELECTION DAY," was on the 25th day of October, 2004, duly and regularly passed.

Attested:

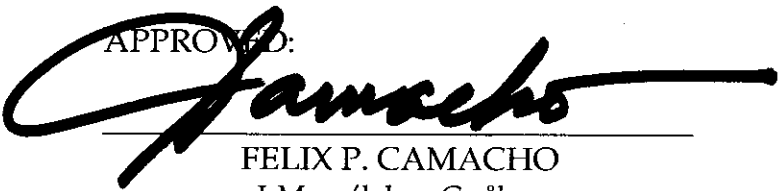

vicente (hen) c. pangelinan
Speaker


Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 25th day of October, 2004, at 8:25 o'clock
P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 10/27/04

Public Law No. 27-108



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

October 25, 2004

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith is Substitute Bill No. 374(LS) which was passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on October 25, 2004.

Sincerely,

TINA ROSEMUNA BARNES
Senator and Legislative Secretary

Enclosure (1)

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 374 (LS)

As substituted by the Author,
and amended on the Floor.

Introduced by:

v. c. pangelinan
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña Barnes
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

**AN ACT TO CURE DEFECTS IN COMPLIANCE WITH 3
GCA §17509 AND §17511 AND TO ADD §17509.1; AND TO
REPEAL 3 GCA §8103 TO ALLOW ADVERTISING ON
ELECTION DAY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that a portion of Guam law that prohibits political campaigning from the
4 time the election polls open is repugnant to the findings of the Courts,
5 wherein similar statutes were unconstitutional regulation of free speech.

1 Similar cases brought before other court jurisdictions resulted in the same
2 decision that laws similar to Guam's are in violation of the First Amendment.

3 It is therefore the intent of *I Liheslatura* to repeal Guam's law in relation
4 to the cessation of political campaigning on Election Day.

5 Further, *I Liheslaturan Guåhan* finds that due to the Guam Election
6 Commission's failure to send out complete copies of the initiative entitled
7 "Proposal A" to all registered voters, *I Liheslatura* wishes to make these
8 documents publicly available at every village mayor's offices, the Guam
9 Election Commission office, at every branch of the Guam Public Library
10 System, the Robert F. Kennedy Library at the University of Guam, the Guam
11 Territorial Law Library, the Office of the Public Auditor, the Office of the
12 Attorney General, and the Senatorial offices, in order to keep voters informed
13 in time for the General Election in November 2004 and to avoid a Special
14 Election. Voting on Proposal A during the November 2004 General Election
15 would guarantee greater participation from voters than any special election.

16 **Section 2.** §8103 of Chapter 8 of Title 3, Guam Code Annotated
17 (Cessation of Campaigning) is hereby *repealed* in its entirety.

18 **Section 3.** (a) Notwithstanding 3 GCA §§17509 and 17511, and any
19 rule or regulation, the initiative entitled "An Initiative to Establish the Guam
20 Casino Gaming Control Commission Act" (hereafter "Proposal A"), shall be
21 voted on in the November 2004 General Election.

22 (b) Notwithstanding 3 GCA §§17509 and 17511, and any rule or
23 regulation, the Ballot Pamphlet for Proposal A need *not* contain a complete
24 copy of the initiative measure to be submitted to voters, but complete copies
25 of the proposal shall be posted at all village mayors' offices and the GEC

1 website (www.guamelection.org) prior to the General Election. A complete
2 copy shall also be made available to any registered voter upon request at the
3 GEC headquarters, at every mayor's office, at every branch of the Guam
4 Public Library System, the Robert F. Kennedy Library at the University of
5 Guam, the Guam Territorial Law Library, the Office of the Public Auditor, the
6 Office of the Attorney General, and the Senatorial offices. There shall be *no*
7 fee charged to any voter for one (1) copy of said proposal per registered voter.
8 GEC shall immediately publish in a newspaper of general circulation the
9 availability of copies of the measure.

10 **Section 4.** A new §17509.1 is hereby *added* to Title 3, Guam Code
11 Annotated to read:

12 "§17509.1. Any defect in the Ballot Pamphlet shall *not* cause a
13 delay in the election or be grounds to invalidate the election."



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan

Speaker

Committee on Utilities and land

Chairman

2004 (SECOND) Regular Session

I, vicente (ben) c. pangelinan, Speaker of *I Mina' Bente Siete Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 374 (LS), AN ACT TO REPEAL 3 GCA §8103, RELATIVE TO CESSATION OF CAMPAIGNING DURING ELECTION DAY, AND FOR OTHER 2004 ELECTION MATTERS," which was introduced on this date, September 24, 2004, as substituted by the Author on October 25, 2004 and therefore waive the statutory requirements for a public hearing on Bill Number 374 (LS).

Date: October 25, 2004

vicente (ben) c. pangelinan
Speaker