



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

15 DEC 2008

2008 DEC 19 PM 3:47

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 272(EC), "AN ACT TO ADD NEW §§17202.2 AND 17202.3 TO CHAPTER 17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES" which was signed into law on December 2, 2008 as Public Law 29-118.

Sinseru yan Magåhet,

Handwritten signature of Felix P. Camacho

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

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

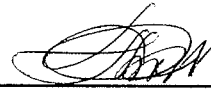
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12/15/08
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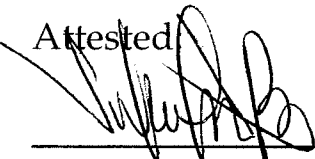
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 272 (EC)**, "AN ACT TO *ADD NEW §§17202.2 AND 17202.3 TO CHAPTER 17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE PRESENTATION OF INITIATIVE MEASURES,*" was on the 21<sup>st</sup> day of November, 2008, duly and regularly passed.

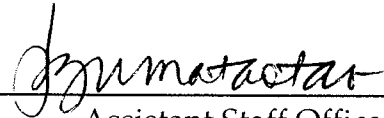


Judith T. Won Pat, Ed. D.  
Speaker

Attested 

Tina Rose Muña Barnes  
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 25 day of Nov., 2008, at 9:41 o'clock a.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



MIKE W. CRUZ, MD  
GOVERNOR OF GUAM ACTING

Date: 12/2/08

Public Law No. 29-118

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2008 (SECOND) Regular Session**

**Bill No. 272 (EC)**

As substituted by the Committee  
on Education, General and Omnibus  
Affairs and amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA

R. J. Respicio

B. J.F. Cruz

Frank F. Blas, Jr.

Edward J.B. Calvo

James V. Espaldon

Mark Forbes

Frank T. Ishizaki

J. A. Lujan

Tina Rose Muña Barnes

A. B. Palacios, Sr.

v. c. pangelinan

Dr. David L.G. Shimizu

Ray Tenorio

J. T. Won Pat, Ed.D.

**AN ACT TO *ADD* NEW §§17202.2 AND 17202.3 TO CHAPTER  
17 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO  
THE PRESENTATION OF INITIATIVE MEASURES.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3        that the people of Guam have been granted the right to pass laws through the  
4        initiative process by the Organic Act of Guam, 48 U.S.C. §1422a(a), which  
5        provides that “[t]he people of Guam *shall* have the right of initiative and

1 referendum, to be exercised under conditions and procedures specified in the laws  
2 of Guam”.

3 Further, the people of Guam have exercised their right of initiative on  
4 numerous occasions and on numerous subjects.

5 Further, *I Liheslaturan Guåhan* finds that legalization of gambling in Guam  
6 has been the subject of several initiatives, specifically those submitted to the  
7 voters of Guam in the 1996, 2004, 2006 and 2008 elections, and all of them were  
8 rejected by the voters.

9 Further, *I Liheslaturan Guåhan* finds that while the right of initiative is an  
10 essential and important right, it is *not* absolute. *I Liheslaturan Guåhan* finds that  
11 initiative measures having similar *or* related subjects that are presented to voters in  
12 consecutive elections and which have been rejected in those elections impose  
13 considerable cost and expense to the government of Guam, the Guam Election  
14 Commission, and to the island and its residents. These costs are excessive and  
15 burdensome, including the costs associated in the presentation of the initiatives,  
16 the conduct of elections, voter information, election campaign and debate, and  
17 legal and judicial resources expended on the initiative measures.

18 Further, *I Liheslaturan Guåhan* finds that other jurisdictions, such as  
19 Pennsylvania, Utah, Mississippi, Alaska and Wyoming, have also prescribed  
20 certain conditions for the presentation of initiative measures in order to prevent the  
21 burdensome costs associated with redundant initiative measures.

22 It is, therefore, the intent of *I Liheslaturan Guåhan* to provide for certain  
23 conditions relating to the presentation of initiative measures with similar *or* related  
24 subjects that have been submitted to, and rejected by, voters in previous elections.

25 **Section 2.** A new §17202.2 is hereby *added* to Chapter 17 of Title 3, Guam  
26 Code Annotated, to read as follows:

1           "§17202.2. *If* an initiative measure is *not* approved by voters in any  
2 election, *no* initiative measure proposing a substantially similar *or*  
3 substantially related subject *shall* be submitted to voters for at least three (3)  
4 years after the date of such election."

5           **Section 3.** A new §17202.3 is hereby *added* to Chapter 17 of Title 3, Guam  
6 Code Annotated, to read as follows:

7           "§17202.3. The Guam Election Commission *shall* be responsible for  
8 determining whether an initiative measure proposes a substantially similar  
9 *or* substantially related subject of a previously defeated measure prior to  
10 circulation of said measure."

11           **Section 4. Severability.** *If* any of the provisions of this Act or the  
12 application thereof to any person or circumstance is held invalid, such invalidity  
13 shall *not* affect any other provision or application of this Act which can be given  
14 effect without the invalid provision or application, and to this end the provisions  
15 of this Act are severable.