

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

July 10, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-12-1666
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/11/2012
Time 2:33pm
Received by renue

Dear Madame Speaker:

Transmitted herewith is Bill No. 488-31 (COR) "AN ACT TO ADD A NEW ITEM (1) TO SUBSECTION (a) OF §16301 OF ARTICLE 3, CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM ELECTION COMMISSION TO RECONFIGURE THE PRIMARY ELECTION BALLOT TO ACCOMMODATE INDEPENDENT CANDIDATES, which I signed into law on July 10, 2012 as **Public Law 31-231**.

Senseramente,


EDDIE BAZA CALVO

2012 JUL 11 PM 3:26

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **Bill No. 488-31 (COR), "AN ACT TO ADD A NEW ITEM (1) TO SUBSECTION (a) OF §16301 OF ARTICLE 3, CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM ELECTION COMMISSION TO RECONFIGURE THE PRIMARY ELECTION BALLOT TO ACCOMMODATE INDEPENDENT CANDIDATES"**, was on the 9th day of July, 2012, duly and regularly passed.

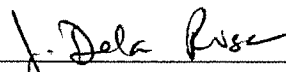


Judith T. Won Pat, Ed.D.
Speaker


Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 10th day of July, 2012, at 9:10 o'clock A. M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: JUL 10 2012

Public Law No. 31-231

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2012 (SECOND) Regular Session

Bill No. 488-31 (COR)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
R. J. Respicio
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
Judith T. Won Pat, Ed.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Sam Mabini, Ph.D.
V. C. Pangelinan
M. Silva Taijeron
Aline A. Yamashita, Ph.D.

**AN ACT TO ADD A NEW ITEM (1) TO SUBSECTION (a)
OF §16301 OF ARTICLE 3, CHAPTER 16, TITLE 3,
GUAM CODE ANNOTATED, RELATIVE TO
AUTHORIZING THE GUAM ELECTION COMMISSION
TO RECONFIGURE THE PRIMARY ELECTION
BALLOT TO ACCOMMODATE INDEPENDENT
CANDIDATES.**

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

2 **Section 1.** A new item (1) is hereby added to Subsection (a) of §16301 of
3 Article 3, Chapter 16, Title 3, Guam Code Annotated, to read:

1 **“§ 16301. Form of Primary Election Ballot.** Ballots used in the
2 Primary Election *shall* be in the form prescribed by the Guam Election
3 Commission and *shall* conform to the following minimum requirements:

4 (a) All candidates for all offices to be contested in the forthcoming
5 General Election *shall* appear on a Primary Ballot to be voted upon by
6 voters in each voting district. A voting district is each district within Guam
7 as defined in 1 GCA § 403, *unless* otherwise provided in this Title. The
8 Guam Election Commission *shall* publish a ballot with the names of all
9 qualified candidates from the Republican Party on one (1) side of the ballot,
10 and the names of all qualified candidates from the Democratic Party on the
11 opposite side. This ballot format *shall* be used to limit voters to casting
12 votes in only one (1) party for all offices in that Primary Election.

13 (1) If there are qualified candidates who are *not* members of any
14 political party registered with the Guam Election Commission, then
15 the Guam Election Commission *shall* reconfigure the ballot as
16 necessary in order that candidates’ names *shall* be placed on the
17 ballot in three (3) or more columns with a separate column for each
18 different recognized party, and a separate column for those non-
19 affiliated. The Guam Election Commission *shall* limit voters to mark
20 their ballots in *only* one (1) column for all offices in that Primary
21 Election;”

22 **Section 2. Severability.** *If* any provision of this Act or its application to
23 any person or circumstance is found to be invalid or contrary to law, such
24 invalidity shall *not* affect other provisions or applications of this Act which can be
25 given effect without the invalid provisions or applications, and to this end the
26 provisions of this Act are severable.

27 **Section 3. Effective Date.** This Act *shall* take effect upon enactment.



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
RECREATION

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

GUAM FIRST
COMMISSION

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

**LEGISLATIVE
REPRESENTATIVE**

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

July 9, 2012

MEMORANDUM

To: Honorable Rory Respicio
Chairperson, Committee on Rules

From: Speaker Judith T. Won Pat, Ed.D.

Subject: Waiver of Public Hearing

After carefully evaluating the request to waive the requirement of a public hearing on Bill No. 488-31 (COR) "AN ACT RELATIVE TO AUTHORIZING THE GUAM ELECTION COMMISSION TO RECONFIGURE THE PRIMARY ELECTION BALLOT TO ACCOMMODATE INDEPENDENT CANDIDATES, BY ADDING A NEW ITEM (1) TO SUBSECTION (a) of §16301 OF ARTICLE 3, CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED."

I agree that the statutory conflicts needs to be quickly resolved by the Guam Legislature so that the Guam Election Commission can proceed with the timely printing of the ballots in order to meet the absentee ballot mailing deadlines so as to be in compliance with federal law relative to the candidate position of Non Voting Delegate to the U.S. House of Representatives.

I certify that Bill No. 488-31 (COR) meets one of the requirements set forth in §2103(a) of Title 2 Guam Code Annotated and the requirement for a public hearing is hereby waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

2:15 pm
WJP

cc: Clerk of the Legislature



SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip

July 09, 2012

Honorable Judith T. Won Pat
Speaker
I Mina'Trentai Una na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/9/12
Time 2:10 pm
Received by F. Rodriguez

RE: Request for Speaker's Waiver of Public Hearing for Bill No. 488-31(COA).

Dear Speaker Won Pat:

I wish to respectfully request your waiver of the requirement for public hearing relative to Bill No. 488-31(COA).

As you are aware, the Executive Director of the Guam Election Commission notified Mr. Jonathan Frank Blas Diaz on JULY 07, 2012 (attached), that he has been certified as an independent candidate for the office of Non Voting Delegate to the U.S. House of Representatives. However, the same notification also informs Mr. Diaz that 3 G.C.A., §16301(a) does not provide for the placement of an independent candidate on the primary ballot. Consequently, Mr. Diaz name cannot appear on the ballot for the September 1, 2012 Primary Election.

The existing statute which requires the Democratic and Republican candidates to be placed on opposite sides of the ballot. However, it does not provide for the current situation whereby there is an independent candidate who has been certified for the Non Voting Delegate to the U.S. House of Representatives position in the upcoming September 1, 2012 Primary Election. Specifically, Subsection (a) of §16301 of Article 3, Chapter 16, Title 3, Guam Code Annotated, provides that:

"§ 16301. (a) All candidates for all offices to be contested in the forthcoming General Election shall appear on a Primary Ballot to be voted upon by voters in each voting district. A voting district is each district within Guam as defined in 1 GCA § 403, unless otherwise provided in this Title. The Guam Election Commission shall publish a ballot with the names of all qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all qualified candidates from the Democratic Party on the opposite side. This ballot format shall be used to limit voters to casting votes in only one (1) party for all offices in that Primary Election;"

The timely consideration of BILL NO. 488-31 (copy); AN ACT RELATIVE TO AUTHORIZING THE GUAM ELECTION COMMISSION TO RECONFIGURE THE PRIMARY ELECTION BALLOT TO ACCOMMODATE INDEPENDENT CANDIDATES, BY ADDING A NEW ITEM (1) TO SUBSECTION (a) OF §16301 OF ARTICLE 3, CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED, would resolve the statutory conflict with which we are now faced.

The provisions of Bill No. Bill No. 488-31 (copy) are essentially identical to §15301 of Article 3 of Chapter 15, 3 GCA, as was provided pursuant to Bill 413-31, which went through the public hearing process and was reported out of Committee for consideration by the Body. Bill 413-31 was then passed by *I Liheslaturan Guåhan* and was subsequently *vetoed* by the Governor.

There is a pressing need to address the independent candidate for the office of non-voting delegate to the U.S. House of Representatives. The Legislature provided a remedy in Bill 413-31. If this election reform bill was signed into law, it would have authorized the ballot placement for independent candidates. Regrettably, this bill did not meet the Governor's approval for reasons outside of this provision. I respectfully request a waiver of the public hearing requirement be made pursuant to law.

This request is made with due consideration of:

§ 2103. Public Hearings Mandatory. (a) No bill may be passed by *I Liheslatura* unless it has received a public hearing, except that when the presiding officer of *I Liheslatura* certifies that emergency conditions exist, involving danger to the public health or safety, the requirement for a public hearing may be waived and in the event the bill is identical to a bill introduced earlier, which later bill received a public hearing, then a public hearing for the identical bill may be waived.

Time is of the essence in that the statutory conflict needs to be quickly resolved by *I Liheslaturan Guåhan* so that the Guam Election Commission can proceed with the timely printing of the ballots in order to meet the absentee ballot mailing deadlines so as to be in compliance with federal law relative to the candidate position of Non Voting Delegate to the U.S. House of Representatives. .

Your consideration of this matter is urgently requested.

Si Yu'os ma'ase.

Senseramente,



DENNIS G. RODRIGUEZ, JR.

Attachment: - Bill No. 488-31 (copy);
- GEC Notification to Mr. Jonathan F.B. Diaz; &
- §15301 of Article 3 of Chapter 15, 3 GCA, pursuant to Bill 413-31.



GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



July 7, 2012

Mr. Jonathan Frank Blas Diaz
 P.O. Box 21603 GMF
 Barrigada, GU 96921

Via e-mail: jonadiaz@gmail.com

Hafa Adai Mr. Diaz,

The Guam Election Commission, at its July 7, 2012 meeting, certified you as an independent candidate for the office of Non Voting Delegate to the U.S. House of Representatives. We regret to inform you that Guam law, 3 G.C.A. §16301 (a) does not provide for the placement of an independent candidate's name on the primary ballot. Because of this, under current law, your name cannot appear on the ballot for the September 1, 2012 Primary Election.

The GEC reminds you that, pursuant to 3 G.C.A. §14604 (b), no candidate running as an independent shall be eligible for placement on the ballot for the general election unless the candidate receives votes in the primary election "equal to at least ten percent (10%) of the total number of the ballots cast for the office for which he is a candidate."

Please contact the Guam Election Commission if you need additional information. Si Yu'os ma'ase'.

Sinseramente,

MARIA I.D. PANGELINAN
 Executive Director

cc: Honorable Judith T. Won Pat, Ed.D.
 Speaker, I Mina'trentai Unu Na Liheslaturan Guåhan

Joseph F. Mesa
 Chairman
 Republican

Donald I. Weakley,
 Sr.
 Vice-Chairman
 Democrat

Christopher L. Carillo
 Member
 Democrat

Dot H. Chargualaf
 Member
 Democrat

G. Patrick Civile
 Member
 Independent

Johnny P. Tailano
 Member
 Republican

Martha C. Ruth
 Member
 Republican

Maria I.D. Pangelinan
 Ex Officio Secretary
 Executive Director

Jeffrey A. Cook, Esq.
 Legal Counsel

1 at the office of the Commission of a nomination of a candidate, the day, hour
2 and minute when it was received *shall* be endorsed thereon.

3 § 15207. **Independent Candidates.** Nomination papers may be
4 filed on behalf of independent candidates. The papers *shall* be in the same
5 form and signed in the same manner as in the case of party candidates.

6 § 15208. **Vacancies.** In case of the death, withdrawal or
7 disqualification of a nominee for *I Maga'låhen Guåhan* after a primary, the
8 candidate for *I Segundu Na Maga'lahi* on the same slate *shall* thereupon
9 become candidate for *I Maga'låhen Guåhan*, who *shall* then select the
10 nominee for *I Segundu Na Maga'lahi*. In case of the death, withdrawal or
11 disqualification of any nominee for *I Segundu Na Maga'lahi* after a primary,
12 the nominee for *I Maga'låhen Guåhan* on the same slate *shall* select the
13 nominee for *I Segundu Na Maga'lahi*. In case of the death, withdrawal or
14 disqualification of any nominee for any other office after a primary, the
15 vacancy so caused *shall* be filled by the nominee to such office receiving the
16 next highest number of votes in the primary. In case of the death,
17 withdrawal or disqualification of any candidate for office after an unopposed
18 primary, the vacancy so caused *shall* be filled by the central committee of
19 the party.

20 **ARTICLE 3**

21 **BALLOTS**

22 § 15301. **Form of Primary Election Ballot.** Ballots used in the
23 primary election *shall* be in the form prescribed by the Guam Election
24 Commission and *shall* conform to the following minimum requirements:

25 (a) All candidates for all offices to be contested in the
26 forthcoming general election *shall* appear on a primary ballot to be
27 voted upon by registered voters in each voting district. A voting

1 district is each district within Guam as defined in Title 1 GCA § 403,
2 *unless* otherwise provided in this Title. The Guam Election
3 Commission *shall* print a ballot with the names of all qualified
4 candidates from the Republican Party on one (1) side of the ballot,
5 and the names of all qualified candidates from the Democratic Party
6 on the opposite side. This ballot format *shall* be used so as to limit
7 voters to mark their ballots in only one (1) party for all offices in that
8 primary election.

9 If there are qualified candidates who are not members of either
10 the Republican Party or the Democratic Party, the Guam Election
11 Commission *shall* reconfigure the ballot as necessary in order that
12 candidates' names *shall* be placed on the ballot in three (3) or more
13 columns with a separate column for each different recognized party,
14 and a separate column for those non-affiliated. The Guam Election
15 Commission *shall* limit voters to mark their ballots in *only* one (1)
16 party or for non-affiliated candidates *only* for all offices in that
17 primary election.

18 (b) Across the top of the ballot *shall* be printed the words
19 "OFFICIAL PRIMARY ELECTION BALLOT" and the date of the
20 primary election.

21 (c) Thereafter *shall* appear an explanation to the voter
22 instructing him or her how to vote.

23 (d) There *shall* appear specific instructions in boldface type
24 on each ballot that a voter may cast votes under one (1) party *only*;
25 that if votes are cast for candidates of *more than* one (1) party for any
26 office or nomination of offices appearing on the ballot, the entire

6
without engrossment

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 7/9/12

VOTING SHEET

Bill No. 488 (COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.					EA
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.					EA
DUENAS, Christopher M.					EA
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

11 0 0 0 4

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

2012 JUL -9 PM 2:07
WLR

Bill No. 489-31 (cov)

Introduced by:

D. G. Rodriguez, Jr.
Rory J. Respicio
Judith P. Guthertz
Tina R. Muña-Barnes
Adolpho B. Palacios, Sr.
Judith T. Won Pat, Ed.D.

AN ACT RELATIVE TO AUTHORIZING THE
GUAM ELECTION COMMISSION TO
RECONFIGURE THE PRIMARY ELECTION
BALLOT TO ACCOMMODATE INDEPENDENT
CANDIDATES, BY ADDING A NEW ITEM (1) TO
SUBSECTION (a) OF §16301 OF ARTICLE 3,
CHAPTER 16, TITLE 3, GUAM CODE
ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new item (1) is hereby added to Subsection (a) of §16301 of
3 Article 3, Chapter 16, Title 3, Guam Code Annotated, to read:

4 “§ 16301. Form of Primary Election Ballot.

5 Ballots used in the Primary Election shall be in the form prescribed by the
6 Guam Election Commission and shall conform to the following minimum
7 requirements:

8 (a) All candidates for all offices to be contested in the forthcoming
9 General Election shall appear on a Primary Ballot to be voted upon by voters
10 in each voting district. A voting district is each district within Guam as
11 defined in 1 GCA § 403, unless otherwise provided in this Title. The Guam
12 Election Commission shall publish a ballot with the names of all qualified
13 candidates from the Republican Party on one (1) side of the ballot, and the

1 names of all qualified candidates from the Democratic Party on the opposite
2 side. This ballot format *shall* be used to limit voters to casting votes in only
3 one (1) party for all offices in that Primary Election;

4 (1) If there are qualified candidates who are not members of either
5 the Republican Party or the Democratic Party, then, the Guam
6 Election Commission shall reconfigure the ballot as necessary in
7 order that candidates' names shall be placed on the ballot in three (3)
8 or more columns with a separate column for each different recognized
9 party, and a separate column for those non-affiliated. The Guam
10 Election Commission shall limit voters to mark their ballots in only
11 one (1) column for all offices in that primary election.”

12 **Section 2: Severability.** *If* any provision of this Act or its application to
13 any person or circumstance is found to be invalid or contrary to law, such
14 invalidity shall *not* affect other provisions or applications of this Act which can be
15 given effect without the invalid provisions or applications, and to this end the
16 provisions of this Act are severable.

17 **Section 3: Effective Date.** This act *shall* take effect immediately upon
18 enactment.