



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2 JUL 2008

2008 JUL 31 PM 2:40

Honorable Judith T. Won Pat
Speaker
I Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Please find attached Bill No. 287 (EC), "AN ACT AMEND §7107, CHAPTER 7 OF TITLE 3 OF THE GUAM CODE ANNOTATED, AND §11134, CHAPTER 11 OF TITLE 3 OF THE GUAM CODE ANNOTATED, RELATIVE TO VOTING FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES," which I have vetoed.

Although the residents of Guam do not vote for the President of the United States, Guam has conducted a "straw poll" in casting ballots for President hours before the rest of the United States begins voting. Bill No. 287 proposes to amend the law to move the "straw poll" for President from the general election to the primary election so that Guam's choice for President will be known in advance of the national general election, and draw attention to the continued disenfranchisement of the American citizens living in the American territory of Guam.

Unfortunately Bill No. 287 does not provide a different impact than the existing law. It seems conducting a "straw poll" hours before the rest of the United States begins voting would garner more attention than conducting a "straw poll" during the primary election. If Guam is going to conduct a "straw poll" in casting ballots for the President, we should vote the same as all other American citizens which is during the general election

Since the intent of the measure is the same as what the law already provides, I have vetoed Bill No. 287 and encourage more meaningful measures that would counter the continued disenfranchisement of the American citizens living in Guam.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

cc: All Senators

Attachment

1730

29-08-0526
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 7/22/08
Time:
Received by: [Signature]

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

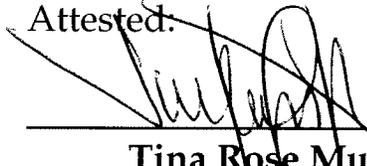
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 287(EC)**, "AN ACT TO AMEND §7107, CHAPTER 7 OF TITLE 3 OF THE GUAM CODE ANNOTATED, AND §11134, CHAPTER 11 OF TITLE 3 OF THE GUAM CODE ANNOTATED, RELATIVE TO VOTING FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES", was on the 9<sup>th</sup> day of July, 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'lahaen Guåhan* this 10 day of July, 2008, at  
3:16 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



MIKE W. CRUZ, MD  
GOVERNOR OF GUAM ACTING

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 287 (EC)**

As amended.

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 *AMEND* §7107, CHAPTER 7 OF TITLE 3 OF THE  
GUAM CODE ANNOTATED, AND §11134, CHAPTER 11 OF  
TITLE 3 OF THE GUAM CODE ANNOTATED, RELATIVE  
TO VOTING FOR PRESIDENT AND VICE-PRESIDENT OF  
THE UNITED STATES.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Guam has been a part of the United States for more than one hundred ten (110)  
4 years, and the *Chamorro* people have been U.S. citizens for nearly sixty (60) years,  
5 yet the U.S. residents of Guam cannot vote for the highest leaders of their country,  
6 the President and Vice President.

1            *I Liheslatura* finds that since 1980 the voters of Guam have cast ballots in a  
2 “straw poll” for President and Vice-President hours before the rest of the United  
3 States begins voting, the original intent, being that because Guam is where  
4 America’s day begins, early voting results from Guam could emphasize the fact  
5 that the votes of American citizens who call Guam home are *not* counted in  
6 selecting the President and Vice-President. Unfortunately the results of Guam’s  
7 vote are not tallied until the U.S. mainland begins voting, and Guam’s “straw poll”  
8 results are ignored.

9            It is, therefore, the intent of *I Liheslatura* to move the “straw poll” for  
10 President and Vice-President from the general election to the primary election so  
11 that Guam’s choice for our nation’s highest leaders will be known in advance of  
12 the national general election, and draw attention to the continued  
13 disenfranchisement of the American citizens living in the American territory of  
14 Guam.

15            **Section 2.** §7107 of Chapter 7 of Title 3 of the Guam Code Annotated, is  
16 *amended* to read:

17            **“§7107. Presidential Elections.** The ballot for the primary election  
18 in each year evenly divisible by four (4) beginning with 2008 *shall* contain  
19 the names of the nominees for President and Vice-President of the United  
20 States of the national Democratic and Republican political parties that have  
21 made such nominations, *provided* that the Election Commission has  
22 determined there is enough time to print such nominees’ names on the  
23 primary election ballot. *If* the Election Commission has determined there is  
24 *not* enough time to place such names on the primary election ballot, the  
25 names will be placed on the next general election ballot. For the purpose of  
26 this §7107, the latest date on which the names of the candidates of the  
27 national Democratic and Republican political parties *shall* be available is

1 fifteen (15) calendar days prior to the primary election. In addition, any  
2 team of candidates which has been placed on the ballot of any state of the  
3 United States may have their names placed on the ballot as independent  
4 candidates *or* as candidates of the party of which they are on the ballot in  
5 that state. *If* the candidates wish to be placed on the ballot, they may request  
6 such placement *no later than* fifteen (15) calendar days prior to the primary  
7 election of each election year. The Election Commission *shall* place on the  
8 ballot such candidates under either the independent category *or* the name of  
9 the party by which the candidates have been placed in the ballot in another  
10 state.”

11 **Section 3.** §11134 of Chapter 11 of Title 3 of the Guam Code Annotated, is  
12 *amended* to read:

13 **“§11134. Special Provision for Presidential Election.** In those  
14 years when the ballot contains the names of candidates for President and  
15 Vice-President of the United States, the Commission *shall* declare the results  
16 of said election and *shall*, by written direction, order the Chairman of the  
17 Election Commission to act as the elector for Guam, as such term is used in  
18 Article II, Section 1 of the United States Constitution, to cast his ballot for  
19 the candidates for President and Vice-President receiving the highest number  
20 of votes and to transmit said results to the President and Vice-President of  
21 the United States, to the candidates for President and Vice-President listed  
22 on said election ballot, to the national chairpersons of the political parties  
23 represented by the candidates for President and Vice-President on said  
24 election ballot, to the Speaker of the House of Representatives of the United  
25 States, and to the President of the Senate of the United States, and to the  
26 President *or* Chairperson of the *Chamorro* and/or *Guamanian* Clubs of  
27 Guam throughout the U.S. Mainland.”

1           **Section 4. Combine Ballots.** The Guam Election Commission *shall*  
2 endeavor to combine the Presidential Election ballot with other races in the said  
3 election so as *not* to use a separate ballot for the Presidential Election “straw poll”  
4 *if* possible.