

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
163-34 (LS)	Joe S. San Agustin	AN ACT TO MODIFY REQUIREMENTS TO BECOME A CANDIDATE FOR OFFICE AND TO MAKE ELECTION DAY A GOVERNMENT OF GUAM HOLIDAY; TO AMEND § 6110 OF CHAPTER 6, TITLE 3, RELATIVE TO SCREENING CANDIDATES IN DISTRICT COURT AND GUAM DEPARTMENT OF REVENUE AND TAXATION; TO AMEND §§ 5101(a) AND (b) OF CHAPTER 5, TITLE 4, RELATIVE TO PROHIBITING UNCLASSIFIED AND TEMPORARY EMPLOYEES OF THE GOVERNMENT FROM BEING ELIGIBLE TO BE CANDIDATES; TO AMEND § 40108 OF CHAPTER 40, TITLE 5, RELATIVE TO INCREASING VILLAGE RESIDENCY REQUIREMENTS FOR MAYOR AND VICE-MAYOR CANDIDATES; ALL OF THE GUAM CODE ANNOTATED AND ALL RELATIVE TO REQUIREMENTS, ELIGIBILITY, AND PROHIBITION ON BEING A CANDIDATE FOR OFFICE; TO ADD A NEW § 1000(a)(8) TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED AND TO RENUMBER THE SUBSEQUENT SUBSECTIONS OF § 1000(a) ACCORDINGLY, RELATIVE TO MAKING ELECTION DAY A GOVERNMENT OF GUAM HOLIDAY.	8/22/17 11:22 a.m.						

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 16734 (LS)

Introduced by:

Joe S. San Agustin 

AN ACT TO MODIFY REQUIREMENTS TO BECOME A CANDIDATE FOR OFFICE AND TO MAKE ELECTION DAY A GOVERNMENT OF GUAM HOLIDAY; TO AMEND § 6110 OF CHAPTER 6, TITLE 3, RELATIVE TO SCREENING CANDIDATES IN DISTRICT COURT AND GUAM DEPARTMENT OF REVENUE AND TAXATION; TO AMEND §§ 5101(a) AND (b) OF CHAPTER 5, TITLE 4, RELATIVE TO PROHIBITING UNCLASSIFIED AND TEMPORARY EMPLOYEES OF THE GOVERNMENT FROM BEING ELIGIBLE TO BE CANDIDATES; TO AMEND § 40108 OF CHAPTER 40, TITLE 5, RELATIVE TO INCREASING VILLAGE RESIDENCY REQUIREMENTS FOR MAYOR AND VICE-MAYOR CANDIDATES; ALL OF THE GUAM CODE ANNOTATED AND ALL RELATIVE TO REQUIREMENTS, ELIGIBILITY, AND PROHIBITION ON BEING A CANDIDATE FOR OFFICE; TO ADD A NEW § 1000(a)(8) TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED AND TO RENUMBER THE SUBSEQUENT SUBSECTIONS OF § 1000(a) ACCORDINGLY, RELATIVE TO MAKING ELECTION DAY A GOVERNMENT OF GUAM HOLIDAY.

2017 AUG 22 AM 11: 22 C.S.

BE IT ENACTED BT THE PEOPLE OF GUAM

Section 1. *I Liheslaturan Guåhan* finds that after reviewing the requirements for candidates for various offices, it is necessary to adjust the requirements for individuals to run for office and to adjust the employees of the government who are eligible to run for office. For example, in order to keep convicted felons from running for office, it is necessary to screen them through the District Court of

1 Guam as well as the Superior Court of Guam to pick up court activity and
2 convictions, which are not currently available.

3 It is also desirable to look at the eligibility of government employees who are
4 running for elected office. It is not desirable to have certain unclassified and
5 temporary employees retaining their salaries and positions with the government
6 and at the same time running for elected office. Many of these unclassified
7 employees are those of high salary, yet do not devote their time to the positions
8 they hold while running for elected office. It is necessary to amend the definition
9 of who is an "employee" for purposes of the "mini-Hatch" Act prohibiting certain
10 employees from running for office.

11 Finally, it is noted that mayor and vice-mayor candidates do not have to be
12 residents of the municipality or districts that they aspire to represent for a long
13 enough time for the candidate to actually know the municipality or district or its
14 residents. It is desirable to have mayor and vice-mayor candidates reside longer in
15 the municipality or district that they aspire to represent.

16 **Section 2. Screening of Candidates in District Court and Guam**
17 **Department of Revenue and Taxation.** § 6110 of Chapter 6, Title 3, Guam Code
18 Annotated, is *amended* to read as follows:

19 **“§ 6110. Convicted Felons and Others Shall Not be Candidates.**

20 Notwithstanding any other provision of law, all candidates for any elected
21 public office, board or commission shall not have been convicted of a felony,
22 and shall not have been convicted of a misdemeanor involving criminal sexual
23 conduct or crime of moral turpitude.

24 At the time of filing for candidacy with the Commission, a candidate shall
25 submit:

26 (a) a clearance from the Guam Police Department;

27 (b) a clearance from the Judiciary of Guam and the District

1 Court of Guam; and

2 (c) a signed affidavit attesting that the candidate has not been
3 convicted of a felony or misdemeanor, as described in this Section, in any
4 state or territory of the United States, or foreign country. The cost for any
5 clearance required by this Section shall be borne by the person seeking
6 the public office; and

7 (d) a tax clearance dating five (5) years from the date of filing
8 their petition.”

9 **Section 3. Eligibility of Certain Employees to be Candidates.** §§ 5101(a)
10 and (b) of Chapter 5, Title 4, Guam Code Annotated, are *amended* to read as follows:

11 “§ 5101. **Definitions.**

12 In this Chapter:

13 (a) *Employee* means a person employed in the Executive Branch
14 of the government of Guam, including autonomous and semiautonomous
15 agencies thereof, or in the Judicial Branch with the ~~following~~ only
16 exceptions: of

17 ~~(1) A a person holding elective office;~~

18 ~~(2) A special or Staff Assistant to the Governor;~~

19 ~~(3) A person appointed by the Governor with the consent of the~~
20 ~~Legislature;~~

21 ~~(4) A person retained from time to time to perform professional or~~
22 ~~special services for a specific fee; and~~

23 ~~(5) A person working on a casual basis on the days he performs no~~
24 ~~services.~~

1 ~~Employees includes a person on administrative annual, or sick-~~
2 ~~leave unless such person has resigned and has received a lump sum~~
3 ~~payment for such leave. Subject to (5) above, it includes persons not~~
4 ~~providing professional services for a specific fee who are hired on a~~
5 ~~temporary, part-time, emergency or casual basis;~~

6 (b) *Election* means any local, ~~primary,~~ general or special election;”

7 **Section 4. Village Residency Requirement for Mayor and Vice-Mayor**
8 **Candidates.** § 40108 of Chapter 40, Title 5, Guam Code Annotated, is *amended* to
9 read as follows:

10 **“§ 40108. Mayors and Vice Mayors: Qualifications.**

11 The Mayors and Vice Mayors of Guam shall be citizens of the United
12 States who have attained the age of twenty-one (21) years and shall not have
13 been convicted of a felony or any crime involving moral turpitude. Each Mayor
14 and Vice-Mayor candidate must be registered to vote in and have resided within
15 the municipality or area which they are to represent for a period of ~~one (1) year~~
16 five (5) years immediately preceding the date of any special or general election
17 at which they are candidates for election and shall continue to reside therein
18 throughout their term of office.”

19 **Section 5. Legislative Findings Applicable to Section 6, *infra.*** *I*
20 *liheslaturan Guåhan* finds that the percentage of voter turnout on Guam has
21 dropped over the years, especially since the removal of Election Day as a
22 government holiday. While it is true that the hours of the conduct of elections has
23 increased and many voters can go either before or after work hours to vote, it is also
24 true that the hours before or after work can result in long lines and traffic jams,
25 discouraging some voters from fighting the crowds to vote. Also, other voters have
26 irregular working hours and shifts which make even the lengthened time that the
27 polls are open inconvenient for voting.

1 In order to increase the voter turnout, and to eliminate any impediment to the
2 exercise of the voter's choice, it is desirable to reinstate Election Day as a
3 government holiday.

4 **Section 6. Adding Election Day as a government holiday.** A new §
5 1000(a)(8) is *added* to Chapter 10 of Title 1, Guam Code Annotated, and the
6 subsequent subsections of § 1000(a) are renumbered to read as follows:

7 **“§ 1000. Holidays.**

8 (a) The holidays of Guam are:

9 (1) New Year’s Day;

10 (2) Martin Luther King, Jr. Day, the third Monday in
11 January;

12 (3) Guam History and Chamorro Heritage Day, the first
13 Monday in March;

14 (4) Memorial Day, the last Monday in May;

15 (5) Independence Day, July 4th;

16 (6) Liberation Day, July 21st;

17 (7) Labor Day, the first Monday in September;

18 (8) General Election Day, Tuesday next after the first Monday
19 in November, biennially in even-numbered years;

20 (8)(9) All Souls’ Day, November 2;

21 (9)(10) Veterans’ Day, November 11;

22 (10)(11) Thanksgiving, the fourth Thursday in November;

1 ~~(11)~~(12) Our Lady of Camarin Day, December 8; and

2 ~~(12)~~(13) Christmas, December 25th.”

3 **Section 7. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
5 *not* affect other provisions or applications of this Act that can be given effect without
6 the invalid provisions or application, and to this end the provisions of this Act are
7 severable.

8 **Section 8. Effective Date.** This Act *shall* become effective upon enactment.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. -34 ()

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Joe S. San Agustin

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