

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
254-35 (COR)	James C. Moylan	AN ACT TO ADD § 1112.1 TO CHAPTER 1, AND TO AMEND § 1113 AND § 1114 OF CHAPTER 1, § 7105(a) OF CHAPTER 7, § 15105, § 15108, § 15301 AND § 15404 OF CHAPTER 15, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ELECTION LAWS PURSUANT TO ANY PERSON(S) SEEKING TO RUN FOR A PARTISAN ELECTED OFFICE AS AN INDEPENDENT CANDIDATE .	11/26/19 12:58 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. ~~254~~35 (CR)

Introduced by:

James C. Moylan

AN ACT TO ADD § 1112.1 TO CHAPTER 1, AND TO AMEND § 1113 AND § 1114 OF CHAPTER 1, § 7105(a) OF CHAPTER 7, § 15105, § 15108, § 15301 AND § 15404 OF CHAPTER 15, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ELECTION LAWS PURSUANT TO ANY PERSON(S) SEEKING TO RUN FOR A PARTISAN ELECTED OFFICE AS AN INDEPENDENT CANDIDATE .

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the current statutes in Guam Law create many challenges for those individuals seeking to run for an elected office as an independent candidate. Because these individuals choose not to be affiliated with any recognized political party it is vital that they not be subject to the same organizational requirements expected of such parties. It is equally important to clearly define the intent of an independent candidate, and not consider them as a new political party formulating on Guam.

Any individual seeking to run as an independent candidate, who successfully completes the filing requirements with the Guam Election Commission should be afforded the opportunity to be placed on a ballot, attain a reasonable chance to advance to the general election, and most importantly, not be subject to attaining any unique percentage of votes that differs from those running under recognized

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political party. Basically for democracy to be upheld, independent candidates should not be treated any differently when it comes to the votes that they attain.

Section 2. § 1112.1 is hereby *added* to Chapter 1, Title 3, Guam Code Annotated, to read as follows:

§ 1112.1 Independent Candidate(s).

For the purposes of Title 3, Guam Code Annotated, an independent candidate shall be a candidate for any of the offices to be filled who has elected not to run under the affiliation of a Recognized Political Party, pursuant to § 1112 of this Chapter. Notwithstanding any other provisions of the law, an independent candidate or any group of independent candidates are not subject to the provisions pursuant to § 1112 of this Chapter.

Section 3. § 1113 of Chapter 1, Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 1113. Same: Rights.

(a) In addition to any other rights accorded in this Title to a political party, a recognized political party *shall* have the right to place on the ballot in any election and to have the names of its candidates identified thereon with the party's name, symbol or other official designation.

(b) Any recognized political party which fails to poll in any general election the percentage of total votes cast as required by § 1112 (c), *shall* lose its status as a recognized political party and *shall be* denied a place upon the ballot unless it complies with the provisions of § 1112. This provision shall not apply to any independent candidate, pursuant to § 1112.1 of this Chapter.

(c) Notwithstanding any other provisions of the law, any independent candidate who submits all requirements pursuant to

Chapter 6 of Title 3, Guam Code Annotated, shall have the right to place their name on the ballot in any election, and to have the official designation as an independent candidate with no affiliation with a recognized political party.

Section 4. § 1114 of Chapter 1, Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 1114. Formation of New Political Parties.

Any number of voters may organize to form a political party, which may have a place on the ballot and have the names of its candidates identified thereon with the party's name, or other official designation, by complying with § 1112 (a) and (b); provided, however, that the party's name and its candidates shall not be placed on the ballot as directed in § 7108 until the party has qualified as a recognized political party by polling, in a general election, the number of votes required by § 1112 (c). This provision shall not apply to any independent candidate, pursuant to § 1112.1 of this Chapter.

Section 5. § 7105(a) of Chapter 7, Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 7105. Order of Names on Ballot - *Liheslatura* (Legislature).

(a) The Commission shall prepare the ballot in such a manner that a nominee's name appears under the name of the political party, if any, sponsoring such nominee, or under the designation as an independent who is not affiliated with any recognized political party pursuant to § 1112 of Title 3, Guam Code Annotated.

(b) Each candidate for any office under a party or independent designation shall be listed according to lots drawn and conducted by the Election Commission. All drawings for ballot position shall be done publicly, and persons appearing on the ballot shall be specifically invited to attend. The drawings for ballot placement

shall be conducted after the deadline to file candidacy and the identities of the persons to appear on the ballot is known to the Election Commission.

(c) The names of the nominees shall appear in columns vertically in such order as determined by the lots drawn. Those nominees already holding the office for which they are seeking re-election shall have the word "Incumbent" printed immediately after their names.

Section 6. § 15105 of Chapter 15, Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 15105. Party Represented by Whom.

Not less than ninety (90) days before the holding of a primary, each party seeking ballot placement *shall* submit to the Commission a list of its officers and of its central committee. This provision shall not apply to any independent candidate, pursuant to § 1112.1 of Title 3, Guam Code Annotated.

Section 7. § 15108 of Chapter 15, Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 15108. Vacancies Not to Be Filled.

In the event that fewer than fifteen (15) candidates are running for *I Liheslaturan Guåhan* within any party or the independent designation, the central committee of such party, ~~or parties,~~ or independent groups, *shall not* fill their party respective slate for the primary or general election to a full fifteen (15) nominees with its own nomination by filling those positions which are unfilled because fewer than fifteen (15) candidates ran in that party's or independent designation's primary election.

Section 8. § 15301 of Chapter 15, Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 15301. Form of Primary Election Ballot.

(d) There *shall* appear specific instructions in boldface type on each ballot that a voter may cast votes under one (1) party or column only; that if votes are cast for candidates of more than one (1) party or column for any office or nomination of offices appearing on the ballot, the entire ballot shall be void. The instructions on the ballot *shall* clearly inform voters of the mandate herein.

(e) The ballot for each office for which party or non-affiliated nominations are sought *shall* contain instructions to the voters as to the maximum number of candidates that may be selected for that office.

Section 9. § 15404 of Chapter 15, Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 15404. Result of Election.

I Maga'låhen Guåhan and I Segundu Na Maga'låhi; Other Offices; Primary Constituting Election to Office.

(a) *I Maga'låhen Guåhan and I Segundu Na Maga'låhi* team receiving a plurality of votes cast for a partisan or non-affiliated nomination *shall be* the respective party or independent designated nominees for the general election, as long as the votes they receive are pursuant to the minimum requirements stipulated in § 15109 of Chapter 15, Title 3, Guam Code Annotated. ~~No *I Maga'låhen Guåhan and I Segundu Na Maga'låhi* team running in the independent column shall be eligible for general election ballot placement unless such team receives a minimum twenty percent (20%) of the total combined votes cast for the winning teams seeking partisan nomination.~~

(b) The winners in all other partisan or non-affiliated primary contests *shall be* the candidates receiving the highest number of votes, ~~except that no candidate running in the independent column shall be eligible for general election ballot placement unless he or she receives votes equal to at least ten percent (10%) of the total number of the valid ballots cast for the office for which he or she is a candidate , as long as the votes they receive are pursuant to the minimum requirements stipulated in § 15109 of Chapter 15, Title 3, Guam Code Annotated.~~

Section 10. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 11. Effective Date. The Act *shall* become effective upon enactment.