

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
279-35 (COR)	<u>Committee on Rules</u> By request of <i>I Moga'hågan Guåhan</i> , the Governor of Guam, in accordance with the Organic Act of Guam.	AN ACT TO AMEND § 13106 AND ADD A NEW § 13106.1 TO CHAPTER 13 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO PERMANENT AND TEMPORARY VACANCIES IN THE MUNICIPAL OFFICES OF MAYOR AND VICE MAYOR; AND TO AMEND § 40110 OF ARTICLE 1, CHAPTER 40, DIVISION 4, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ORGANICITY OF FILLING VACANCIES IN THE MUNICIPAL OFFICES OF MAYOR AND VICE MAYOR.	1/22/20 1:41 p.m.						

I MINA' TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 279-35 (LOR)

Introduced by:


Committee on Rules

By request of *I Maga'håga Guåhan*,
the Governor of Guam, in accordance
with the Organic Act of Guam.

AN ACT TO AMEND § 13106 AND *ADD* A NEW § 13106.1 TO
CHAPTER 13 OF TITLE 3, GUAM CODE ANNOTATED,
RELATIVE TO PERMANENT AND TEMPORARY
VACANCIES IN THE MUNICIPAL OFFICES OF MAYOR AND
VICE MAYOR; AND TO *AMEND* §§ 40110 OF ARTICLE 1,
CHAPTER 40, DIVISION 4, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO THE ORGANICITY OF
FILLING VACANCIES IN THE MUNICIPAL OFFICES OF
MAYOR AND VICE MAYOR.

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

2 **Section 1.** § 13106 of Chapter 13, Title 3, Guam Code Annotated is amended to read:

3 **“§ 13106. Events Causing a Permanent Vacancy in the Municipal Offices of Mayor**
4 **and Vice Mayor.**

5 The municipal offices of Mayor and Vice Mayor become vacant on the happening of
6 any of the following events:

- 7 (a) death of the incumbent;
- 8 (b) declaration of mental incompetence by a final judgement or final order of a court
9 of competent jurisdiction;
- 10 (c) resignation from office;
- 11 (d) refusal or failure to assume office;
- 12 (e) the decision of a competent tribunal declaring void his or her election;
- 13 (f) conviction of a felony, or of a crime involving moral turpitude;

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- 1 (g) his or her change of residence from the municipality in which he or she was elected;
2 (h) when an incumbent is incapacitated because of illness and unable to continue for
3 the remainder of the term to which he or she was elected;
4 (i) when an incumbent has sought and won election to another office and assumed the
5 new office, constituting voluntary relinquishment of the original office; or
6 (j) if the results of a recall election, in accordance with §1121 of Chapter 1, Title 3,
7 Guam Code Annotated, are in favor of the removal of the incumbent.

8 The occurrence of any event under (a) through ~~(i)~~ (j), with respect to a person or persons
9 elected to office, after the election but before the term of office is to commence, constitutes a
10 vacancy on the date the term commences, unless the person or persons so elected is the
11 incumbent, in which case, the vacancy occurs on the date of such event.”

12 **Section 2.** A new § 13106.1 is hereby *added* to Chapter 13 of Title 3, Guam Code Annotated,
13 to read:

14 **“§ 13106.1 Temporary Vacancy.**

15 If there is a temporary vacancy greater than (30) days in the office of Mayor, caused
16 by other than official business, and there is no Vice Mayor, the vacancy shall be filled by the
17 Governor by appointment after soliciting the non-binding recommendations of the Municipal
18 Planning Council of the municipality.”

19 **Section 3.** §40110 of Article 1, Chapter 40, Division 4, Title 5, Guam Code Annotated, is
20 *amended* to read:

21 **“§ 40110. Permanent Vacancies.**

22 (a) Vice Mayors. A vacancy in the office of the Vice Mayor ~~less than two hundred~~
23 ~~forty (240) days before the date of the next general election for Mayors and Vice Mayors shall~~
24 be filled for the unexpired term by I Maga'hågan Guåhan (The Governor) by appointment
25 after soliciting the non-binding recommendations of a majority vote of the municipal planning
26 council of the municipality in which the vacancy occurs, subject to the advice and consent of I
27 Liheslatura (the Legislature).

28 (b) Mayors. *If* by reason of death, resignation, removal from office, inability or failure
29 to perform, there shall be a vacancy in the office of the Mayor, it shall be filled for the
30 unexpired term. less than two hundred forty (240) days before the date of the next general

1 election for Mayors and Vice Mayors, it *shall* be filled by the Vice Mayor in a municipality
2 where there is a Vice Mayor, and there shall be a vacancy in the position of Vice Mayor until
3 the end of the term. In a municipality where there is no Vice Mayor and the vacancy is *less*
4 *than* 240 days before the date of the next general election for Mayors and Vice Mayors, the
5 vacancy shall be filled by a majority vote of the Municipal Planning Council of the
6 municipality in which the vacancy occurs, subject to the advice and consent of *I Liheslatura*
7 (The Legislature).” The vacancy shall be filled by *I Maga’hågan Guåhan* (the Governor) by
8 appointment after soliciting the non-binding recommendations of the Municipal Planning
9 Council of the municipality in which the vacancy occurred, subject to the advice and consent
10 of *I Liheslatura* (the Legislature), provided, however, that in a municipality where there is a
11 Vice -Mayor, the Vice-Mayor shall automatically assume the position of Mayor and there shall
12 be a vacancy in the position of Vice-Mayor.

13 **Section 4. Severability.** If any provision of this Act or its application to any person or
14 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions
15 or applications of this Act which can be given effect without the invalid provisions or applications,
16 and to this end the provisions of this Act are severable.”