


MINA TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

Bill No. 49 (COR)

Introduced by:

B.J.F. Cruz 

2009 JAN 29 AM 9:29 JR

AN ACT TO REPEAL AND RE-ENACT SECTIONS §1105 OF CHAPTER 1, TITLE 2, AND §5101 OF CHAPTER 5, TITLE 3, AND §6103 OF CHAPTER 6, TITLE 3, OF THE GUAM CODE ANNOTATED AND TO AMEND SECTIONS §7105 OF CHAPTER 7, TITLE 3, AND §16301 (e) ARTICLE 3 OF CHAPTER 16, TITLE 3, OF THE GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS AND TO PROVIDE FOR STAGGERED TERMS FOR MEMBERS OF THE GUAM LEGISLATURE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. *I Liheslaturan Guåhan* finds that four-year terms allow
3 Senators time for essential legislative work, without reelection in a short two
4 years. Instead of working to raise election funds every two years, Senators
5 in four-year terms may concentrate on Legislative work. Longer terms
6 allow senators to take responsibility for measures over time, making senators
7 largely independent of special interests. Concerning the public, voters will
8 still have the ability to vote for elected officials every two years due to the
9 constitutional casting of lots. Staggered terms every two even years for
10 seven or eight Senatorial positions will create more candidates that run for
11 Legislative office.

1 It is, therefore, the intent of *I Liheslatura* to amend the terms of Senatorial
2 office from two years to four years and to provide for staggered terms for
3 members of the Guam Legislature.

4 **Section 2.** §1105 of Chapter 1, Title 2, Guam Code Annotated is
5 repealed and re-enacted to read:

6 **“§ 1105. Senators, Terms of.**

7 (a) Pursuant to Section 10 (d) of the Organic Act of Guam, the
8 general election for the office of Senator of the Guam Legislature
9 shall be held in even-numbered years on the Tuesday next after the
10 first Monday in November.

11 (b) In the general election of 2010, fifteen (15) persons shall be
12 elected Senators to the Guam Legislature. Of that number eight (8)
13 shall be elected to a term of four years, the term to commence at 10
14 a.m. on the first Monday in January of 2011 and to end at 9:59 a.m. on
15 the first Monday in January 2015. The other seven (7) persons elected
16 Senator shall serve a term of two years, the term to commence at 10
17 a.m. on the first Monday in January of 2011 and to end at 9:59 a.m. on
18 the first Monday in January of 2013.

19 (c) Commencing in 2010 and continuing every four years
20 thereafter eight (8) persons shall be elected to a term of four years as
21 Senators of the Guam Legislature, the term to commence at 10 a.m.
22 on the first Monday in January following the election and continuing
23 until 9:59 a.m. of the first Monday in January four years after the
24 election. The decision of which persons shall serve terms of two
25 years shall be as provided by Section 5101 Chapter 5 Title 3 of the
26 Guam Code Annotated.

1 (d) Commencing in 2012 and continuing every four years
2 thereafter seven (7) persons shall be elected to a term of four years as
3 Senators of the Guam Legislature, the term to commence at 10 a.m.
4 on the first Monday in January following the election and continuing
5 until 9:59 a.m. of the first Monday in January four years after the
6 election.”

7 **Section 3.** §5101 of Chapter 5, Title 3, Guam Code Annotated is
8 repealed and re-enacted to read:

9 **“§5101 General Elections for Legislature.**

10 (a) General Election for the Guam Legislature shall be held on
11 Tuesday next after the first Monday in November every two years in
12 even-numbered years. In 2010, eight (8) persons shall be elected to a
13 term of four years and seven (7) persons shall be elected to a term of
14 two years. In 2012 and every fourth year thereafter seven (7) persons
15 shall be elected to a term of four years and in 2014 and every fourth
16 year thereafter eight (8) persons shall be elected to a term of four years.

17 (b) Within ten (10) days of the declaration of the results of the
18 election for the Legislature in 2010, the Commission shall choose by
19 lot in the same fashion by which ballot placement is determined, the
20 eight (8) persons elected to terms of four years and the seven (7)
21 persons elected to terms of two years. Any person who is successful in
22 contesting the declaration of any person shall serve the same term as
23 would have been served by the first person declared elected by the
24 Commission.”

25 **Section 4.** §6103 of Chapter 6, Title 3, Guam Code Annotated is
26 repealed and re-enacted to read:

27 **“§6103 Terms of Office.**

1 In 2010 eight (8) persons elected to the Legislature shall serve a
2 term of four years and seven (7) persons shall serve a term of two
3 years. In 2012 and every fourth year thereafter seven (7) persons shall
4 be elected to a term of four years and in 2014 and every fourth year
5 thereafter eight (8) persons shall be elected to a term of four years.”

6 **Section 5.** §7105 of Chapter 7, Title 3, Guam Code Annotated is
7 *amended* to read:

8 **“§7105 Order of Names on Ballot – Legislature.**

9 The Commission shall prepare the ballot in such a manner that
10 a nominee's name shall appear under the name of the political party, if
11 any, sponsoring such nominee.

12 In all elections, the names of all nominees or candidates for a
13 specific office shall be listed in a random manner. Each contestant for
14 any office under a party or independent designation shall be listed
15 according to lot drawn by the Election Commission. All drawings for
16 ballot position shall be done publicly and persons appearing on the
17 ballot shall be specifically invited to attend. The drawings for ballot
18 placement shall be accomplished as soon as is reasonably possible
19 after the identity of the persons to appear on the ballot is known to the
20 Election Commission.

21 The names of the nominees shall appear in columns vertically
22 in such order as is determined by lot.

23 Columns for recognized political parties shall be listed on the
24 basis of the number of ~~nominees elected to~~ seats held in the
25 Legislature at the last preceding regular general as of October 1 in the
26 year of the election in descending order from left to right; last shall
27 appear the names of those nominees not sponsored by any political

1 party, which shall appear under the designation “Independent”. The
2 names of all nominees holding the office for which they are seeking
3 election shall have the word **INCUMBENT** printed immediately after
4 them.”

5 **Section 6.** §16301 (e) of Chapter 16, Title 3, of the Guam Code
6 Annotated is repealed and re-enacted to read:

7 **“§16301 Form of Primary Election Ballot (e).**

8 The ballot shall be divided so that the party holding the greatest
9 number of seats in the Legislature as of August 1 in the year of the
10 election shall appear first on the left on the ballot below the words, in
11 bold face type, “_____ **PARTY PRIMARY CANDIDATES**”;

12 The ballot for each office for which party nominations are
13 sought shall contain instructions to the voters as to the maximum
14 number of candidates that may be selected for that office; that party's
15 candidates for nomination for each office shall be listed on the ballot
16 in random order in a manner similar to that established for General
17 Election Ballot listing and placement;”