



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

September 8, 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

2015 SEP 11 PM 1:27
TENORIO

Dear Madame Speaker,

Transmitted herewith is Bill No. 119-33 (COR) "AN ACT TO AMEND SUBSECTIONS (h) AND (i) OF § 3207 OF ARTICLE 2, CHAPTER 3 OF TITLE 10, GUAM CODE ANNOTATED; AND TO *AMEND* §§ 3102, 3105, 3108, 3202(a)(7) and 3206, AND TO REPEAL § 3109, ALL OF THE CHAPTER 3, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING EQUAL PROTECTION FOR ALL FAMILIES ON GUAM BY CREATING EQUALITY IN CIVIL MARRIAGE," which lapsed into law on August 25, 2015 as Public Law 33-65.

Sincerely,


EDDIE CALVO

33-15-0843
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 9/11/15
Time: 1:11 PM
Received By: [Signature]

0843



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

September 7, 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker,

Attached are Public Laws 33-64 and 33-65, which I allowed to lapse into law on August 25, 2015.

When the government was sued earlier this year, I was particularly concerned that such an important social issue as marriage would not be decided by the people of Guam through our democratic process, but by the courts.

With respect to the same-sex marriage law, it is regrettable that public debate on marriage was muted by the courts. Although it may be more accurate to say that the legislature has adopted the will of the judiciary rather than the will of the people, I am less conflicted with enforcing a law locally enacted than one mandated by the federal courts.

Nonetheless, although the courts may not have left us with the option to decide the marriage issue for ourselves, I believe that there still exists the need to engage in public debate over the constitutional principles that have collided, or inevitably will collide, in Public Law 33-64.

To be clear, I fully support Public Law 33-64's intent to prevent discrimination; there is no basis to deny equality in housing, employment or opportunity to any individual based on sexual orientation or gender identity.

But I must caution that in the legislative zeal to recognize more recently recognized personal rights, our elected lawmakers do not also abandon centuries-recognized personal freedoms.

One of the most important fundamental freedoms on which the United States was established is that of religious conscience. Although this was discussed by some senators during the legislative debate on Bill 102-33, now Public Law 33-64, the discussion did not result in any apparent meaningful amendment to the bill so as to avoid a potential conflict between sexual orientation and gender identity rights and expressions of religious conscience.

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Eddie Baza Calvo



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governorofguam

Individuals and religious organizations have long been afforded constitutional protection for their religious expressions. Religious organizations have long been among the leaders in charitable giving and community service. Just look at the efforts of these religious and other charitable organizations in response to the recent typhoon in Saipan.

The Salvation Army and Catholic Social Services, just to name a few, have long served our Island in providing community programs and charitable giving.

Thus, I am concerned that Public Law 33-64 does not do enough to ensure the protection of religious conscience that may not directly align itself with certain expressions of sexual orientation or gender identity contrary to certain religious tenets.

I would ask our Legislature to amend the law to ensure that the pendulum of social conscience is not swung so far to one side as to restrict the legitimate expression of religious conscience, and to ensure that that right is balanced with the other personal rights that are being newly-defined.

As an example of how such rights may be balanced, I recommend that the Legislature look at a legislative enactment in the state of Utah, namely S.B. 296, the "Antidiscrimination and Religious Freedom Amendments" law that passed earlier this year. This law has been widely recognized by many religious organizations and LGBT advocates as striking a balance similar to the one I am advocating.

The categories in existing antidiscrimination laws in Utah were amended to add "sexual orientation" and "gender identity." Yet also added to the law were certain exceptions protecting religious expression by individuals and religious organizations.

I suggest that the legislature move toward finding that balance now, rather than risk a future legal challenge that may cause further social upheaval in our community.

A house divided cannot stand. We need to come together as a community. I continue my call for unity and for an understanding of each other's differences in opinions. Although it was our Lord Jesus Christ who taught the golden rule, I don't think anyone can argue against its universal applicability in any social setting. We may have differences of opinion, but surely we can treat and respect each other as we would want to be treated and respected.

We are a peaceful people, who manage to live with each other in harmony and with respect. It is a part of who we are, our spirit of inafa' maolek. It has been this way since the days of our ancestors, and it will remain this way so long as we impart this value to our children and to theirs.

May God continue to bless and prosper our Island and our people.

Sincerely,



EDDIE CALVO

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

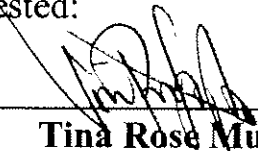
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 119-33 (COR), "AN ACT TO AMEND SUBSECTIONS (h) AND (i) OF § 3207 OF ARTICLE 2, CHAPTER 3 OF TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §§ 3102, 3105, 3108, 3202(a)(7), 3204 AND 3206, AND REPEAL § 3109, ALL OF CHAPTER 3, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING EQUAL PROTECTION FOR ALL FAMILIES ON GUAM BY CREATING EQUALITY IN CIVIL MARRIAGE,"** was on the 12th day of August 2015, duly and regularly passed.



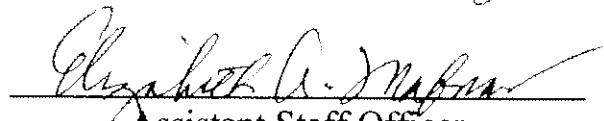
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 12th day of August, 2015, at 5:13 o'clock P..M.




Elizabeth A. Mabua
Assistant Staff Officer
Maga'laha's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. 33-65

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY _____
TIME 5:13 DATE 8/12/15

I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) Regular Session

Bill No. 119-33 (COR)

As amended on the Floor.

Introduced by:

N. B. Underwood, Ph.D.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTIONS (h) AND (i) OF § 3207 OF ARTICLE 2, CHAPTER 3 OF TITLE 10, GUAM CODE ANNOTATED; AND TO *AMEND* §§ 3102, 3105, 3108, 3202(a)(7), 3204 AND 3206, AND *REPEAL* § 3109, ALL OF CHAPTER 3, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING EQUAL PROTECTION FOR ALL FAMILIES ON GUAM BY CREATING EQUALITY IN CIVIL MARRIAGE.

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

2 **Section 1. Title.** This Act may be known and referred to as the “Guam
3 Marriage Equality Act of 2015.”

1 **Section 2. Legislative Intent.** *I Liheslaturan Guåhan* recognizes that on
2 June 5, 2015, the U.S. District Court of Guam ruled that the existing marriage laws
3 on Guam are unconstitutional as it relates to same sex marriage. Pursuant to this
4 ruling, *I Liheslaturan Guåhan* intends to comply with the U.S. District Court of
5 Guam judgement and amend local statutes to allow for same-sex marriage on
6 Guam.

7 **Section 3.** Subsections (h) and (i) of § 3207 of Article 2, Chapter 3 of Title
8 10, Guam Code Annotated, are hereby *amended* to read as follows:

9 “(h) Marriage means the legal union between two persons without
10 regard to gender. The legality of the union may be established by civil or
11 religious regulations, as recognized by the laws of Guam.

12 (i) Divorce or annulment means the final legal dissolution of a
13 marriage, void or otherwise, that is, the separation of spouses by a judicial
14 decree which confers on the parties the right to remarriage, according to the
15 laws of Guam.”

16 **Section 4.** § 3102 of Chapter 3, Title 19, Guam Code Annotated, is hereby
17 *amended* to read as follows:

18 “§ 3102. **Minors.**

19 (a) Any unmarried person of the age of eighteen (18) years or
20 older, and not otherwise disqualified, is capable of consenting to and
21 consummating marriage; *provided*, that any person under the age of eighteen
22 (18) years and over the age of sixteen (16) years, with the consent in writing
23 of the parents of the person under age, or one of such parents, or of his or her
24 guardian, where such written consent is filed with the Director of
25 Administration, as provided in § 3202 of this Title, is capable of consenting
26 to and consummating marriage.”

27 **Section 5.** § 3105 of Chapter 3, Title 19, Guam Code Annotated, is hereby

1 *amended* to read as follows:

2 **“§ 3105. Illegal and Void Marriages.**

3 A subsequent marriage contracted by any person during the life of a
4 former spouse of such person, with any person other than such former
5 spouse is illegal and void from the beginning, unless:

6 (a) the former marriage has been annulled or dissolved. In
7 no case can a marriage of either of the parties during the life of the
8 other, be valid in Guam, if contracted within one (1) year after the
9 entry of an interlocutory decree in a proceeding for divorce.

10 (b) Unless such former spouse is absent and not known to
11 such person to be living for the space of five (5) successive years
12 immediately preceding such subsequent marriage, or is generally
13 reputed or believed by such person to be dead at the time such
14 subsequent marriage was contracted. In either of which cases, the
15 subsequent marriage is valid until its nullity is adjudged by a
16 competent tribunal.”

17 **Section 6.** § 3108 of Chapter 3, Title 19, Guam Code Annotated, is hereby
18 *amended* to read as follows:

19 **“§ 3108. Choices of Name Upon Marriage.**

20 Upon entering into a contract of marriage a spouse may elect to retain
21 his or her surname before marriage as his or her surname upon marriage.
22 Upon entering into a contract of marriage, either spouse may elect to
23 hyphenate his or her surname with the surname of the other spouse.
24 Intention of the exercise of said election *shall* be indicated upon the
25 marriage license application as provided for by § 3202 of this Title.”

26 **Section 7.** § 3109 (Same: Exclusive Election) of Chapter 3, Title 19,
27 Guam Code Annotated, is *repealed*.

1 **Section 8.** § 3202(a)(7) of Chapter 3, Title 19, Guam Code Annotated, is
2 hereby *amended* to read as follows:

3 “(7) Whether a spouse elects to retain his or her surname before
4 marriage as his or her surname upon marriage as provided for by § 3108.”

5 **Section 9.** § 3204 of Chapter 3, Title 19, Guam Code Annotated, is hereby
6 *amended* to read as follows:

7 “**§ 3204. Who May Solemnize.**

8 (a) Marriage may be solemnized by:

9 (1) *I Maga’lahen Guåhan* (the Governor of Guam), or his
10 substitute;

11 (2) the judges of the U.S. District Court, and the Superior
12 Court of Guam;

13 (3) all ordained clergymen and priests of whatsoever
14 religious faith who are recognized as such by the religious body
15 whose faith they represent;

16 (4) the Director of Revenue and Taxation, the Director of
17 Administration, and the Director of Public Health and Social Services;

18 (5) the Speaker of *I Liheslaturan Guåhan* (the Guam
19 Legislature), or his/her designee; and

20 (6) all village Mayors and Vice Mayors.

21 (b) No regularly licensed or ordained minister or any priest, or
22 similar official of any religious organization, is required to perform the
23 solemnization of any marriage.”

24 **Section 10.** § 3206 of Chapter 3, Title 19, Guam Code Annotated, is hereby
25 *amended* to read as follows:

26 “**§ 3206. Particular Form Not Necessary.**

1 No particular form for the ceremony of marriage is required, but the
2 parties must declare in the presence of the person solemnizing the marriage
3 that they take each other as husband and wife, or as spouses.”

4 **Section 11.** When necessary to implement the rights, benefits, protections,
5 and responsibilities of spouses under the laws of Guam, all gender-specific
6 terminology, such as “husband,” “wife,” “widow,” “widower,” or similar terms,
7 *shall* be construed in a gender-neutral manner. This interpretation *shall* apply to
8 all sources of law, including statutes, administrative rules, court decisions,
9 common law, or any other source of law.

10 **Section 12. Effective Date.** This Act *shall* be effective upon enactment.

11 **Section 13. Severability.** If any provision of this Act or its application to
12 any person or circumstance is held invalid, the invalidity *shall not* affect other
13 provisions or applications of this Act which can be given effect without the invalid
14 provision or application and to this end the provisions of this Act are severable.