


I Mina'trentai Siete Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
215-37 (COR)	Roy A. B. Quimata Joe S. San Agustin	AN ACT TO AMEND § 1903(e) TO CHAPTER 19, TITLE 1, GUAM CODE ANNOTATED; AND TO AMEND § 30101 CHAPTER 30, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ELECTION AND QUALIFICATION PROCESSES FOR THE OFFICES OF PUBLIC AUDITOR AND ATTORNEY GENERAL IN GUAM.	12/15/23 9:55 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 215-37 (COR)

Introduced by:

Roy A.B. Quinata
Joe S. San Agustin 

AN ACT TO *AMEND* § 1903(e) TO CHAPTER 19, TITLE 1, GUAM CODE ANNOTATED; AND TO *AMEND* § 30101 CHAPTER 30, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ELECTION AND QUALIFICATION PROCESSES FOR THE OFFICES OF PUBLIC AUDITOR AND ATTORNEY GENERAL IN GUAM

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

2 **Section 1.** § 1903 of Chapter 19, Title 1, Guam Code Annotated (Public
3 Auditor Election) is hereby *amended* to read:

4 **“§ 1903. Public Auditor Election.**

5 (a) The Public Auditor shall be elected by the voters of Guam
6 in a General Election occurring at the same time as the General Election
7 for Mayors.

8 (1) The Public Auditor shall serve a term of four (4)
9 years.

10 (2) The Public Auditor is a non-partisan office.

11 (A) No candidate for the position of Public
12 Auditor shall declare a political party affiliation.

13 (B) No candidate for the Office of Public
14 Accountability shall seek the endorsement or receive

1 directly or indirectly financial or material support from a
2 political party.

3 (C) Any violation of the aforementioned shall
4 cause the Guam Election Commission to invalidate the
5 candidacy of the individual for Public Auditor.

6 (b) Candidates for Public Auditor shall be subject to the same
7 campaign and personal financial reporting requirements as applied to
8 candidates for *I Maga'hågan Guåhan*, as well as all laws pertaining to
9 campaign contributions.

10 (c) No nominating petition shall be required of a candidate for
11 Public Auditor.

12 (d) A candidate for the position of Public Auditor shall file his
13 candidacy with the Guam Election Commission ~~in the manner similar~~
14 ~~to a candidate for *I Maga'hågan Guåhan*, except as is not consistent~~
15 ~~with this Chapter~~ no earlier than one hundred thirty (130) days before
16 the general election, and no later than sixty (60) days before the general
17 election.

18 (e) All qualified candidates complying with the provisions of
19 this Chapter shall be placed on ~~a separate~~ the ballot for the Office of
20 Public Accountability to be cast at the ~~Primary~~ General Election. The
21 candidate receiving the most votes, subject to the qualifications
22 established by this Chapter, shall be certified by the Guam Election
23 Commission as having won election to the position of Public Auditor.

24 ~~(f) The two candidates who receive the most votes in the~~
25 ~~Primary Election shall be certified accordingly by the Election~~
26 ~~Commission and placed on a separate ballot for the General Election.~~

1 ~~(g) In the General Election, the candidate receiving the most~~
2 ~~votes, subject to the qualifications established by this Chapter, shall be~~
3 ~~certified by the Guam Election Commission as having won election to~~
4 ~~the position of Public Auditor.’~~

5 **Section 2.** § 30101 of Chapter 30, Title 5, Guam Code Annotated, is hereby
6 *amended* to read:

7 “**§ 30101. Attorney General.**

8 (a) The Office of the Attorney General of the government of Guam
9 shall be administered by the Attorney General of Guam, who shall be elected
10 by the people of Guam for a term of four (4) years.

11 (b) A candidate for the position of Attorney General of Guam shall
12 declare no political party affiliation. Candidates for Attorney General of
13 Guam shall be subject to the same campaign and personal financial reporting
14 requirements as apply to candidates for *I Maga'hågan Guåhan* [the
15 Governor], as well as all laws pertaining to campaign contributions. No
16 nominating petition shall be required of a candidate for Attorney General of
17 Guam. A candidate for the position of Attorney General of Guam shall file his
18 candidacy with the Guam Election Commission ~~in the manner similar to a~~
19 ~~candidate for *I Maga'hågan Guåhan* [the Governor], except as is not~~
20 ~~consistent with this Section~~ no earlier than one hundred thirty (130) days
21 before the general election, and no later than sixty (60) days before the general
22 election. All qualified candidates complying with the provisions of this
23 Section shall be placed on ~~a separate~~ the ballot for the office of Attorney
24 General to be cast at the Primary General Election. ~~The two candidates who~~
25 ~~receive the most votes in the Primary Election shall be certified accordingly~~
26 ~~by the Election Commission and placed on a separate ballot for the General~~
27 ~~Election. In the General Election, the candidate receiving the most votes,~~

1 subject to the qualifications established by this Chapter, shall be certified by
2 the Guam Election Commission as having won election to the position of
3 Attorney General. The Attorney General shall be sworn into and take office
4 on the first Monday of the January following the General Election at which
5 the Attorney General was elected and shall remain in office until the election
6 and swearing in of a new Attorney General, unless removed from Office as
7 provided for in this Section. The Attorney General shall:

8 (1) be at least thirty (30) years of age;

9 (2) be a citizen of the United States and a resident of Guam;

10 (3) be an active member in good standing of the Guam Bar
11 Association on Guam for at least five (5) years immediately preceding
12 his or her candidacy for Office, or an inactive member of the Guam Bar
13 Association who, in the five (5) years preceding his election as an
14 Attorney General has served as an elected official elected by the people
15 of Guam or as a Public Auditor of Guam, or as a Justice of the Supreme
16 Court of Guam or Judge of the Superior Court of Guam;

17 (4) not have been convicted of a felony; and

18 (5) not have been suspended from the practice of law in any
19 jurisdiction for violation of ethical rules governing the practice of
20 attorneys.

21 (c) The Attorney General of Guam may be removed in the same
22 manner as provided under the Organic Act of Guam for the removal of *I*
23 *Maga'hågan Guåhan* [the Governor]. As provided in the Organic Act of
24 Guam, a vacancy in the position of Attorney General shall be filled:

25 (1) by appointment by *I Maga'hågan Guåhan* [the Governor]
26 if such vacancy occurs less than six (6) months before a General
27 Election for the Office of the Attorney General of Guam; or

1 (2) by a special election held no sooner than three (3) months
2 after such vacancy occurs, and no later than six (6) months before a
3 general election for Attorney General of Guam, and by appointment by
4 *I Maga'hågan Guåhan* [the Governor] pending a special election under
5 this Subparagraph.”

6 **Section 3. Effective Date.** This Act shall be effective upon enactment.

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