

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

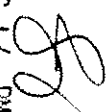
Bill No. 24 -32 (COR)

Introduced by:

R.J. RESPICIO

T.C. ADA

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2013 DEC 16 PM 2:52  


AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. "TITLE 3 GCA § 13106. Events Causing Vacancy in the  
3 Municipal Offices of Mayor and Vice Mayor" is amended to read:

4 "The municipal offices of mayor and vice mayor become vacant on  
5 the happening of any of the following events:

6 (a) death of the incumbent;

7 (b) declaration of mental incompetence by a final judgment or  
8 final order of a court of competent jurisdiction;

9 (c) resignation from office;

10 (d) refusal or failure to assume office;

1 (e) the decision of a competent tribunal declaring void his or  
2 her election;

3 (f) conviction of a felony, or of a crime involving moral  
4 turpitude;

5 (g) his or her change of residence from the municipality in  
6 which he or she was elected;

7 (h) when an incumbent is incapacitated because of illness and  
8 unable to continue for the remainder of the term to which he or she  
9 was elected; or

10 (i) when an incumbent has sought and won election to another  
11 office and assumed the new office, constituting *voluntary*  
12 *relinquishment* of the original office.

13 The occurrence of any event under (a) through (i), with respect  
14 to a person or persons elected to office, after the election but before  
15 the term of office is to commence, constitutes a vacancy on the date  
16 the term commences, unless the person or persons so elected is the  
17 incumbent, in which case, the vacancy occurs on the date of such  
18 event."

19 Section 2. A *new* § 13107 is *added* to TITLE 3 GCA Chapter 13.

20 *Existing* §§ 13107-13108 are *renumbered* accordingly.

1           **"13107. Special Election to fill a Vacancy or Vacancies in the**  
2           **Municipal Offices of Guam Mayors and Vice Mayors.** The Guam  
3           Election Commission shall call for a special election on a Saturday on  
4           or about sixty (60) days after a vacancy occurs in an office of Mayor  
5           or Vice Mayor, whenever one (1) or more vacancies occur therein 240  
6           days or more *prior* to the date of the next general election for Mayors  
7           and Vice Mayors. There shall be no primary election. Candidates  
8           must file their candidacies no later than thirty (30) days prior to the  
9           special election date. The highest vote-getter (or vote-getters if there  
10          is more than one [1] vacancy), shall be certified by the Guam Election  
11          Commission as elected and shall be administered the oath of office  
12          immediately to fill the unexpired vacancy. If both Mayor and Vice  
13          Mayor offices are vacant, resulting in a special election for two [2]  
14          vacancies, the highest vote-getter shall become the Mayor-Elect, and  
15          the second highest shall become the Vice Mayor-Elect."

16          **Section 3. Section 6105 (b) of Title 3 Guam Code Annotated**  
17          **Chapter 6 is amended to read:**

18          **"§ 6105. Person Eligible for Only One (1) Office.**

19          (a) No person shall be eligible for more than one (1) elective office to  
20          be filled in the same election. The term "election" as used in this Section

1 includes a general and a local election held on the same date, so as to  
2 prohibit a person from running for office in a local election and in a general  
3 election at the same time.

4 (b) No person shall be eligible for an office to be filled in an election if  
5 sixty (60) days prior to the primary he or she is holding another elective  
6 office, the term of which will not expire on or prior to the date of  
7 commencement of the term of office for which he or she is running, with  
8 the exception of any elective office for which a special election would be  
9 required in the event of a vacancy."

10 Section 4. "Title 5 GCA Chapter 40 § 40110, "Vacancies," items (a)  
11 and (b) are *amended*, and item (c) is *deleted*, to read:

12 "§ 40110. Vacancies. "(a) Vice-Mayors. A vacancy in the office  
13 of the Vice-Mayor less than 240 days before the date of the next  
14 general election for Mayors and Vice-Mayors shall be filled for the  
15 unexpired term by [~~I Maga'lahi (the Governor) by appointment after~~  
16 ~~soliciting the non-binding recommendations of~~] a majority vote of the  
17 Municipal Planning Council of the municipality in which the vacancy  
18 occurs, subject to the advice and consent of *I Liheslatura* (the  
19 Legislature).

20 "(b) Mayors. If by reason of death, resignation, removal from

1 office, inability or failure to perform, there shall be a vacancy in the  
2 office of the Mayor [~~it shall be filled for the unexpired term.~~] less  
3 than 240 days before the date of the next general election for Mayors  
4 and Vice-Mayors, it shall be filled [~~The vacancy shall be filled by /~~  
5 ~~Maga'lahi (the Governor) by appointment after soliciting the non-~~  
6 ~~binding recommendations of the Municipal Planning Council of the~~  
7 ~~municipality in which the vacancy occurred, subject to the advice and~~  
8 ~~consent of / Liheslatura (the Legislature); provided, however, that~~] by  
9 the Vice-Mayor in a municipality where there is a Vice-Mayor, [~~the~~  
10 ~~Vice Mayor shall automatically assume the position of Mayor~~] and  
11 there shall be a vacancy in the position of Vice-Mayor until the end of  
12 the term. In a municipality where there is no Vice-Mayor and the  
13 vacancy is less than 240 days before the date of the next general  
14 election for Mayors and Vice-Mayors, the vacancy shall be filled by a  
15 majority vote of the Municipal Planning Council of the municipality  
16 in which the vacancy occurs, subject to the advice and consent of /  
17 Liheslatura (the Legislature)." [~~The vacancy shall be filled by /~~  
18 ~~Maga'lahi (the Governor) by appointment after soliciting the non-~~  
19 ~~binding recommendations of the Municipal Planning Council of the~~  
20 ~~municipality in which the vacancy occurred, subject to the advice and~~

1 ~~consent of the Legislature (the Legislature); provided, however, that in~~  
2 ~~a municipality where there is a Vice Mayor, the Vice Mayor shall~~  
3 ~~automatically assume the position of Mayor and there shall be a~~  
4 ~~vacancy in the position of Vice Mayor.~~

5 ~~(c) Temporary vacancy. If there is a temporary vacancy greater~~  
6 ~~than thirty (30) days in the office of Mayor, caused by other than~~  
7 ~~official business, and there is no Vice Mayor, the vacancy shall be~~  
8 ~~filled by the Governor by appointment after soliciting the non-~~  
9 ~~binding recommendations of the Municipal Planning Council of the~~  
10 ~~municipality.]~~

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