

*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
45-34 (COR)	Joe S. San Agustin	AN ACT TO REPEAL TITLE 3, GUAM CODE ANNOTATED, CHAPTER 1, § 1107; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 3, SECOND SUBSECTION (1) OF FIRST SUBSECTION (C) § 3102; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 3, SUBSECTION (B) § 3107; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 6, SUBSECTIONS (B), (C) AND NEW SUBSECTION (D), §6110; TO REPEAL TITLE 3, GUAM CODE ANNOTATED, CHAPTER 15; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, SUBSECTION (G), § 17101; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, SUBSECTIONS (A) AND (B), § 17113; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, § 17116; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, SUBSECTIONS (A) AND (B), § 17118; TO AMEND TITLE 4, GUAM CODE ANNOTATED, CHAPTER 2, § 2109; TO AMEND TITLE 4, GUAM CODE ANNOTATED, CHAPTER 5, SUBSECTIONS (A) AND (B), § 5101; TO AMEND TITLE 1, GUAM CODE ANNOTATED, CHAPTER 10, SUBSECTION (A), NEW SUBSECTION (8), § 1000; TO AMEND TITLE 5, GUAM CODE ANNOTATED, DIVISION 4, CHAPTER 40, § 40108; TO BE KNOWN AS THE "ELECTION REFORM ACT OF 2017."	3/17/17 1:12 p.m.						

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
2017 (FIRST) Regular Session

Bill No.#- ~~45~~-34 (COR)

Introduced by:

Joe S. San Agustin 

AN ACT TO REPEAL TITLE 3, GUAM CODE ANNOTATED, CHAPTER 1, § 1107; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 3, SECOND SUBSECTION (1) OF FIRST SUBSECTION (C) § 3102; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 3, SUBSECTION (B) § 3107; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 6, SUBSECTIONS (B), (C) AND NEW SUBSECTION (D), §6110; TO REPEAL TITLE 3, GUAM CODE ANNOTATED, CHAPTER 15; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, SUBSECTION (G), § 17101; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, SUBSECTIONS (A) AND (B), § 17113; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, § 17116; TO AMEND TITLE 3, GUAM CODE ANNOTATED, CHAPTER 17, SUBSECTIONS (A) AND (B), § 17118; TO AMEND TITLE 4, GUAM CODE ANNOTATED, CHAPTER 2, § 2109; TO AMEND TITLE 4, GUAM CODE ANNOTATED, CHAPTER 5, SUBSECTIONS (A) AND (B), § 5101; TO AMEND TITLE 1, GUAM CODE ANNOTATED, CHAPTER 10, SUBSECTION (A), NEW SUBSECTION (8), § 1000; TO AMEND TITLE 5, GUAM CODE ANNOTATED, DIVISION 4, CHAPTER 40, § 40108; TO BE KNOWN AS THE "ELECTION REFORM ACT OF 2017."

2017 MAR 17 PM 1:14 PM  
TOM

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 a cost saving measure to eliminate the primary election on those years when an  
4 election takes place.

5 *I Liheslaturan Guåhan* also finds that those who look to run in the elections  
6 as a candidate for public office would compel for additional and more stringent  
7 requirements that a candidate must meet as well as cover all government of Guam  
8 employees, classified or unclassified, from receiving compensation from their  
9 employer.

10 In addition, it is also in the interest of the people of Guam to increase the  
11 voter turnout with introducing election day as a local government holiday on the  
12 years that an election takes place.

13 **Section 2.** § 1107 of Chapter 1, Title 3, Guam Code Annotated is hereby  
14 *repealed* in its entirety:

15 ~~“§ 1107. Primary Election:~~

16 ~~Primary Election means a preliminary election in which voters cast~~  
17 ~~ballots to determine the candidates for specific offices as provided in this~~  
18 ~~Title.”~~

19 **Section 3.** § 3102, (1) of Chapter 3, Title 3, Guam Code Annotated  
20 (Affidavit of Registration, Necessity for and Contents of) is *amended* to read as  
21 follows:

22 “(1) Notwithstanding any other provision of law, a person who is  
23 seventeen (17) years old on the date of an primary election and who is  
24 otherwise qualified to vote shall be qualified to vote at that primary election,  
25 including voting as an absentee, during a grace period, or voting early  
26 with respect to that primary election, if that person will be eighteen (18)  
27 years

1 old on the date of the immediately following general election.”

2 **Section 4.** § 3107, (b) of Chapter 3, Title 3, Guam Code Annotated  
3 (Transfer of Registration) is *amended* to read as follows:

4 “(b) No registered voter may be transferred from one (1) village or  
5 district to another village or district for voting purposes during the  
6 registration period between any ~~primary and~~ general election held in the  
7 same calendar year, but shall be allowed to vote in the precinct where the  
8 voter is registered. The transfer shall then become effective after the general  
9 election. ~~This Subsection does not apply to unregistered persons who were~~  
10 ~~not registered in the primary election but who seek to register for the general~~  
11 ~~election.”~~

12 **Section 5.** §6110 of Chapter 6, Title 3, Guam Code Annotated is *amended*  
13 to read as follows:

14 **“§ 6110. Convicted Felons and Others Shall Not be Candidates.**

15 Notwithstanding any other provision of law, all candidates for  
16 any elected public office, board or commission shall not have been  
17 convicted of a felony, and shall not have been convicted of a  
18 misdemeanor involving criminal sexual conduct or crime of moral  
19 turpitude.

20 At the time of filing for candidacy with the Commission, a  
21 candidate shall submit:

- 22 (a) a clearance from the Guam Police Department;  
23 (b) a clearance from the Judiciary of Guam and the District Court of Guam;  
24 ~~and~~  
25 (c) a signed affidavit attesting that the candidate has not been  
26 convicted of a felony or misdemeanor, as described in this Section, in  
27 any state or territory of the United States, or foreign country. The cost

1 for any clearance required by this Section shall be borne by the person  
2 seeking the public office; and

3 (d) a tax clearance dating five (5) years from the date of filing their petition.”

4 **Section 6.** Chapter 15, Title 3, Guam Code Annotated is hereby repealed.

5 **Section 7.** § 17101, (g) of Chapter 17, Title 3, Guam Code Annotated is  
6 *amended* to read:

7 “(g) Election means any ~~primary~~, general or special election for  
8 office, or for determining a question or issue provided by law.”

9 **Section 8.** § 17113, (b) of Chapter 17, Title 3, Guam Code Annotated  
10 (Limitation on Amount of Contributions) is *amended* to read:

11 “(b) It is unlawful for any bank or labor organization, whether or not  
12 authorized to do business on Guam, to make a contribution or expenditure in  
13 connection with any election to any political office, or in any ~~primary~~  
14 general or special election. A corporation, whether or not authorized to do  
15 business on Guam, may purchase no more than Five Hundred Dollars  
16 (\$500.00) worth of tickets for each fundraising dinner or function for any  
17 political party or candidate, but not to exceed the aggregate contributions  
18 allowed under Subsection (a) of this Section. Such corporate contributions  
19 shall be reported to the Election Commission regardless of amount. Every  
20 bank, corporation, or labor organization which makes any contribution in  
21 violation of this Section shall be fined not more than Five Thousand Dollars  
22 (\$5,000.00), and every officer or director of any bank, corporation, or labor  
23 organization as the case may be, and any person who accepts or receives any  
24 contribution in violation of this Section, shall be fined not more than One  
25 Thousand Dollars (\$1,000.00) or imprisoned no more than one (1) year, or  
26 both.”

27 **Section 9.** § 17116 of Chapter 17, Title 3, Guam Code Annotated is

1 *amended* to read as follows:

2 **“§ 17116. Preliminary Reports.**

3 Each candidate, or authorized person in the case of a political party, or  
4 campaign treasurer in the case of a committee, shall file a preliminary report  
5 with the Election Commission on forms provided by the Election  
6 Commission not later than the tenth (10th) day prior to each election ~~or~~  
7 ~~primary, as the case may be.~~ The report shall be certified pursuant to  
8 § 17103 of this Chapter and shall contain the following information, which  
9 is to be current through the fifteenth (15th) calendar day prior to the election  
10 ~~or primary:~~

11 (a) the aggregate sum of all contributions received;

12 (b) the amount and date of deposit of the contribution and the  
13 name and address of each donor who contributes an aggregate of more  
14 than One Hundred Dollars (\$100.00);

15 (c) all expenditures made, incurred, or authorized by or for a  
16 candidate, including the name and address of each payee and the  
17 amount, date, and purpose of each expenditure; and

18 (d) a current statement of the balance on hand or deficit.”

19 **Section 10.** § 17118 of Chapter 17, Subsections (a) and (b), Title 3, Guam  
20 Code Annotated is *amended* to read as follows:

21 **“§ 17118. Final and Supplemental Reports.**

22 (a) Each candidate whether or not successful in a ~~primary~~  
23 ~~or special primary~~ general election, or authorized person in the case of a party,  
24 or campaign treasurer in the case of a committee, shall file a final ~~primary~~  
25 general report not later than the tenth (10th) day after the ~~primary~~  
26 ~~or special primary~~ general election, certified pursuant to § 17103 of this  
27 Chapter. The report shall include:

1 (1) a statement of the total contributions received;

2 (2) the amount and date of deposit of the contribution, and the  
3 name and address of each donor who contributes more than One  
4 Hundred Dollars (\$100.00); and

5 (3) a statement of all expenditures made or incurred by or for a  
6 candidate, including the name of each payee and the amount, date, and  
7 purpose of each expenditure.

8 (b) Each candidate, or authorized person in the case of a committee,  
9 shall file a final general report with the Election Commission not later than  
10 the twentieth (20th) day after a general or special election, certified pursuant  
11 to § 17103 of this Chapter, and reporting all items prescribed in Subsection  
12 (a) of this Section. A candidate who is unsuccessful in a ~~primary~~ or  
13 ~~special primary~~ general election need not file a final general report.”

14 **Section 11.** § 2109 of Chapter 2, Title 4, Guam Code Annotated is *amended*  
15 to read as follows:

16 **“§ 2109. Prohibition Against Hiring New, Unclassified Employees**  
17 **Following the Defeat of an Incumbent in an Election.**

18 No new, unclassified employees may be hired in the Executive  
19 Branch of government following the defeat of a sitting Maga’lahen Guåhan  
20 in a ~~primary election~~ or general election until after such date that such  
21 Maga’lahen Guåhan leaves office. No new, unclassified employees may be  
22 hired in any Legislative Office of a sitting Senator following the defeat of  
23 such Senator in a ~~primary~~ or general election. No new, unclassified  
24 employees may be hired in any Mayoral Office of a sitting Mayor following  
25 the defeat of such Mayor in a ~~primary~~ or general election. No new contract  
26 workers or unclassified employees may be hired in the Department of Law  
27 following the defeat of a sitting Attorney General in a ~~primary~~ or general

1 election until said Attorney General leaves office. No new unclassified  
2 employees may be hired in the Office of Public Accountability following the  
3 defeat of said Public Auditor in a ~~primary~~ or general election until said  
4 Public Auditor leaves office. Following the defeat of a sitting Attorney  
5 General in a ~~primary~~ or general election, no contract workers or unclassified  
6 employees employed in the Office of the Attorney General may receive a  
7 pay increase until said Attorney General leaves office. Following the defeat  
8 of a sitting Public Auditor in a ~~primary~~ or general election, no contract  
9 workers or unclassified employees employed in the Office of Public  
10 Accountability may receive a pay increase until said Public Auditor leaves  
11 office.”

12 **Section 12.** § 5101 of Chapter 5, Subsections (a) and (b), Title 4, Guam  
13 Code Annotated is amended to read as follows:

14 **§ 5101. Definitions.**

15 “In this Chapter:

16 (a) Employee means a person employed in the Executive  
17 Branch of the government of Guam, including autonomous and  
18 semiautonomous agencies thereof, or in the Judicial Branch with the  
19 following only exceptions: of

20 (1) ~~A a person holding elective office;~~

21 (2) ~~A special or Staff Assistant to the Governor;~~

22 (3) ~~A person appointed by the Governor with the consent of~~  
23 ~~the Legislature;~~

24 (4) ~~A person retained from time to time to perform~~  
25 ~~professional or special services for a specific fee; and~~

26 (5) ~~A person working on a casual basis on the days he~~  
27 ~~performs no services.~~



1           ~~Employees includes a person on administrative annual, or~~  
2           ~~sick leave unless such person has resigned and has received a~~  
3           ~~lump-sum payment for such leave. Subject to (5) above, it~~  
4           ~~includes persons not providing professional services for a specific~~  
5           ~~fee who are hired on a temporary, part-time, emergency or casual~~  
6           ~~basis;~~

7           (b) Election means any local, ~~primary~~, general or special election;”

8           **Section 13.** § 1000 of Chapter 10, Subsection (a), New Subsection (8),  
9 Title 1, Guam Code Annotated is *amended* to read as follows:

10           “§ 1000. **Holidays.**

11           (a) The holidays of Guam are:

12                   (1) New Year’s Day;

13                   (2) Martin Luther King, Jr. Day, the third Monday in January;

14                   (3) Guam History and Chamorro Heritage Day, the first  
15 Monday in March;

16                   (4) Memorial Day, the last Monday in May;

17                   (5) Independence Day, July 4th;

18                   (6) Liberation Day, July 21st;

19                   (7) Labor Day, the first Monday in September;

20                   (8) General Election Day, Tuesday next after the first Monday  
21 in November, biennially in even-numbered years;

22                   (8)(9) All Souls’ Day, November 2;

23                   (9)(10) Veterans’ Day, November 11;

24                   (40)(11) Thanksgiving, the fourth Thursday in November;

25                   (44)(12) Our Lady of Camarin Day, December 8; and

26                   (42)(13) Christmas, December 25th.

27           (b) Whenever a holiday listed in Subsection (a) of this Section falls on

1 a Saturday or Sunday, the government of Guam shall follow the Federal  
2 government's practice for that holiday.

3 (c) In addition to the holidays specified in Subsection (a) of this  
4 Section, I Maga'lahaen Guåhan may declare by Executive Order additional  
5 non-permanent holidays for special purposes. No holiday declared by  
6 Executive Order shall be continued beyond the year in which the Executive  
7 Order is issued."

8 **Section 14.** § 40108 of Division 4, Chapter 40, Title 5, Guam Code  
9 Annotated is amended to read as follows:

10 **"§ 40108. Mayors and Vice Mayors: Qualifications.**

11 The Mayors and Vice Mayors of Guam shall be citizens of the  
12 United States who have attained the age of twenty-one (21) years and  
13 shall not have been convicted of a felony or any crime involving  
14 moral turpitude. Each Mayor and Vice-Mayor candidate must be  
15 registered to vote in and have resided within the municipality or area  
16 which they are to represent for a period of ~~one (1) year~~ five years (5)  
17 immediately preceding the date of any special or general election at  
18 which they are candidates for election and shall continue to reside  
19 therein throughout their term of office."

20  
21 **Section 15. Effective Date.** This Act shall be effective immediately upon  
22 enactment.