

*MINA' TRENTA NA LIHESLATURAN GUÅHAN*  
2009 (FIRST) Regular Session

2009 JAN -5 PM 12: 56

Bill No. 26 (COR)

Introduced by:

B. J.F. Cruz 

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**AN ACT TO AMEND § 13104 OF CHAPTER 13 OF  
TITLE 3, GUAM CODE ANNOTATED AND TO ADD A  
NEW § 1126 IN CHAPTER 1 OF TITLE 2, GUAM CODE  
ANNOTATED; RELATIVE TO VACANCIES IN *I  
LIHESLATURAN GUÅHAN.***

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the October 2007 passing of one of Guam's statesmen, former  
4 Speaker Antonio R. Unpingco, led to a special election on January 2008 to  
5 fill the vacancy of his unexpired term in *I Mina Bente Nuebi na Liheslaturan*  
6 *Guåhan.*

7 The intent of this Act is to present alternatives to filling vacancies in *I*  
8 *Liheslaturan* in a manner that is streamlined and less costly. The special  
9 election held on January 5, 2008 cost Guam taxpayers about \$125,000. This

1 Act presents several new sections to the existing statutes of Title 2 of the  
2 Guam Code Annotated.

3 However, only one out of the four that receives the most favorable  
4 testimony by the People of Guam will prevail based on public input during  
5 the public hearing. It will be included in the final version of the bill prior to  
6 its introduction on the legislative floor.

7 **Section 2.** § 13104 of Chapter 13 of Title 3, Guam Code Annotated is  
8 hereby amended to read:

9 **~~§ 13104. Election to Fill Vacancy in the Guam Legislature.~~**

10 ~~The Guam Election Commission shall call for a special election~~  
11 ~~on a Saturday on or about sixty (60) days of the vacancy to fill~~  
12 ~~vacancies in the Guam Legislature whenever one (1) or more~~  
13 ~~vacancies occur therein prior to eight (8) months before the date of the~~  
14 ~~next general election of members of the Guam Legislature. Candidates~~  
15 ~~must file their candidacies no later than thirty (30) days prior to the~~  
16 ~~special election date. There shall be no primary election. The highest~~  
17 ~~vote getter or vote getters if there is more than one (1) vacancy, shall~~  
18 ~~be certified by the Guam Election Commission as elected and shall be~~  
19 ~~administered the oath of office immediately to fill the unexpired~~  
20 ~~vacancy.”~~

1           **Section 3.** A new § 1126. in Chapter 1 of Title 2, Guam Code  
2 Annotated is hereby created to read:

3           **“§1126. Vacancies.** In the case of a vacancy occurring in *I*  
4 *Liheslaturan Guåhan* because a member can no longer qualify to  
5 serve in the seat for which he was elected, the vacancy shall be filled  
6 by appointment of *I Maga'lahaen Guåhan* with the advise and consent  
7 of *I Liheslaturan Guåhan*. The appointment shall take place within  
8 thirty (30) days of the vacancy occurring. The person appointed to fill  
9 the vacancy shall serve for the remainder of the term of the position  
10 vacated.”;

11           **”§ 1126. Vacancies.** In the case of a vacancy occurring in *I*  
12 *Liheslaturan Guåhan* because a member can no longer qualify to  
13 serve in the seat for which he was elected, the vacancy shall be filled  
14 by appointment by a majority vote from among the members of the  
15 Mayors' Council of Guam. The appointment shall take place within  
16 thirty (30) days of the vacancy occurring. The person appointed to fill  
17 the vacancy shall serve for the remainder of the term of the position  
18 vacated.”;

19           **”§ 1126. Vacancies.** In the case of a vacancy occurring in *I*  
20 *Liheslaturan Guåhan* because a member can no longer qualify to

1           serve in the seat for which he was elected, the vacancy shall be filled  
2           by appointment by a majority vote from among the members of *I*  
3           *Liheslaturan Guåhan*. The appointment shall take place within thirty  
4           (30) days of the vacancy occurring. The person appointed to fill the  
5           vacancy shall serve for the remainder of the term of the position  
6           vacated."; or

7                   "**§ 1126. Vacancies.** If a vacancy occurs in *I Liheslaturan*  
8           *Guåhan*, the sixteenth (16") place finisher in the general election for  
9           which the vacancy was initially filled shall be appointed to fill the  
10          vacancy for the remainder of the term. If the sixteenth (16") place  
11          finisher is ineligible unwilling or unable to be appointed, the next  
12          highest ranking finisher in votes in that general election shall be  
13          appointed. If such finisher is ineligible or unwilling or unable to be  
14          appointed, the legislature shall have thirty (30) days to fill the  
15          vacancy."