



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

LEGISLATIVE SECRETARY

DEC 30 1996

OFFICE OF THE SPEAKER	
Date:	<u>12-30-96</u>
Time:	<u>4:06 pm</u>
Received By:	<u>Arlene B. Torres</u>
Print Name:	<u>Arlene B. Torres</u>

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed please find a copy of Substitute Bill No. 673 (LS), "AN ACT TO ESTABLISH THE CHAMORRO REGISTRY BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO TITLE 3, GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 23-130**.

This legislation is a preparation for a vote on Self-Determination by the people of Guam. By establishing a registry for Chamorros at this time, we will begin the process of making a long overdue choice of political status by Guam's people. This choice is a cornerstone of the Commonwealth Draft Act, which we have spent so much time and effort for more than a decade in negotiations with both the United States Congress and the Executive Branch of the federal government. Commonwealth was chosen as an interim status by the residents of Guam in an islandwide election. Self-Determination was recognized at that time as an act which had not yet taken place for Guam's people, even though almost 100 years has passed since the Treaty of Paris ceded Guam to the United States in 1898, and at least another 300 years has passed, prior to that, while Guam was under the jurisdiction of Spain.

The legislation creates a Chamorro Registry Advisory Board (CRAB) under the Guam Election Commission (GEC). The CRAB guides the establishment, administration, and maintenance of the Chamorro Registry. This registry shall consist of a listing, somewhat like a census, of Chamorros who reside on Guam, both adults and children who will be registered as minors, and

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Chamorros residing elsewhere. Registration will take place at times when the GEC is not conducting elections.

In this legislation, the interaction between the CRAB and the GEC needs refining, and a source of funding must be found for implementing the Chamorro Registry. It is hoped that the Guam Legislature will again take up this subject and make some revisions to make the work of the CRAB and the GEC smoother, and also to provide funding.

Some issues which still have to be resolved are:

1. What will the CRAB and the GEC do about Chamorros who do not register? The registry will be incomplete unless all persons of Chamorro descent take it upon themselves to be part of the registry. Yet, it is possible that some Chamorros will not register, for one reason or another.
2. How will the CRAB interact with the GEC relative to directing registration clerks? For example, the GEC appoints, deputizes, and suspends clerks, yet the CRAB is given the duty to "have direct and immediate supervision over the registration clerks designated in accordance with this Chapter to perform duties relative to the establishment, administration, and maintenance of the Chamorro Registry." See Page 13, lines 8-10 of the legislation. Clerks who are recommended to be removed by the CRAB may appeal this removal to the GEC, yet the Governor is the party who removes a clerk. This is a cumbersome system wherein a registration clerk may receive mixed messages from two different authorities, the CRAB and the GEC.
3. Another difficulty is the use of the language: "Upon recommendation of the Commission (GEC), the Governor may remove any and all clerks who shall be found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the Chamorro Registry". See page 13, lines 19-21 of the legislation. This implies that a clerk must be adjudicated "guilty" by a court of some crime in order to be removed from their position as a clerk. Who determines "guilt" and what kind of "guilt"?
4. There is also other language in the legislation which needs clarity. Page 14, lines 17-18 states: "The Board (CRAB) shall have the power to certify to the Superior Court of Guam for contempt". Yet, the legislation

does not define what situation constitutes contempt. The language is vague and may lead to future difficulties.

5. There is no funding identified or provided for the administration of the Chamorro Registry. According to the Guam Election Commission, at least 2 additional clerks would need to be hired, with a personnel cost of \$27,000 for the balance of Fiscal Year 1997, and a personnel cost of approximately \$54,000 for Fiscal Year 1998. If the CRAB needs a legal counsel, or if they need access to the GEC legal counsel, the GEC legal counsel's contract would need to be amended to provide for an increase of an as yet undetermined amount. The CRAB is specified to receive a stipend of \$25 per meeting, yet all other boards of the government receive \$50 per meeting. For stipends, either \$2,000 or \$4,000 needs to be set aside, for either \$25 per meeting or \$50 per meeting. Capital Outlay of \$5,000 would also be needed for computer, filing cabinets, 2 chairs and 2 desks for extra personnel.

This legislation will be an unfunded mandate until the Legislature identifies a way to support this activity financially. Also, the administrative workings of the CRAB needs to be revisited, as well as clarifying language in the legislation. These matters should be ironed out as soon as possible in order to prepare Guam's people for a selection of political status which is free of administrative snags.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,


Madeleine Z. Bordallo
Acting Governor of Guam

Attachment

231597



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

DEC 30 1996

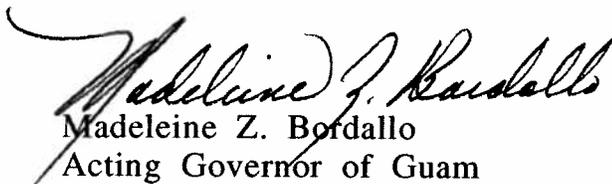
The Honorable Sonny L. Orsini
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Mr. Legislative Secretary:

Enclosed please find a copy of Substitute Bill No. 673 (LS), "AN ACT TO ESTABLISH THE CHAMORRO REGISTRY BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO TITLE 3, GUAM CODE ANNOTATED", which I have **signed** into law today as **Public Law No. 23-130**.

Message and copy of the public law have also been delivered to the Office of the Speaker.

Very truly yours,


Madeleine Z. Bordallo
Acting Governor of Guam

Attachments

231602

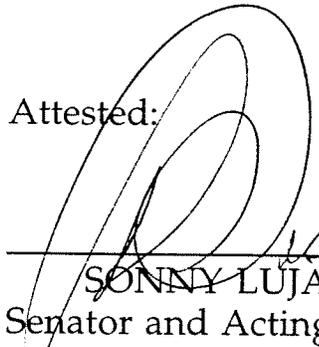
Rec: Rachael
12/30/96
1:21 PM

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 673 (LS), "AN ACT TO ESTABLISH THE CHAMORRO REGISTRY BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO TITLE 3, GUAM CODE ANNOTATED," was on the 13th day of December, 1996, duly and regularly passed.

Attested:



SONNY LUJAN ORSINI
Senator and Acting Legislative Secretary



DON PARKINSON
Speaker

This Act was received by the Governor this 19th day of December,
1996, at 11:30 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO
Acting Governor of Guam

Date: 12/30/96

Public Law No. 23-130

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 673 (LS)
As substituted by Committee

Introduced by:

H. A. Cristobal
J. T. San Agustin

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY
BY ADDING A NEW CHAPTER 20 AND A NEW §2108 TO
TITLE 3, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Statement of Intent.** The Guam

3 Legislature recognizes that the indigenous people of Guam, the Chamorros,
4 have endured as a population with a distinct language and culture despite
5 suffering over three hundred years of colonial occupation by Spain, the
6 United States of America, and Japan. During this period, Chamorros have
7 survived through war, famine, disease, and cultural repression brought about
8 by the Chamorro-Spanish Wars, from 1668 to 1685; Spanish occupation until
9 the Spanish-American War of 1898; the arrival of the Americans after the
10 Treaty of Peace between the United States of America and Spain; and the
11 Japanese occupation of Guam during World War II, from 1941 to 1944.

12 The Legislature also finds that, during their respective periods of
13 occupation, the Spanish, American, and Japanese governments each
14 conducted an islandwide census to identify and verify the number of
15 Chamorros living in Guam. These censuses serve as historical
16 documentation of the survival of Chamorros through war, foreign

1 occupation, and peace, and have been useful as genealogical tools to help
2 identify these survivors and trace their descendants. The Legislature
3 recognizes its responsibility for establishing a mechanism that will function
4 similarly in recording the progress and identity of the indigenous Chamorro
5 people of Guam. Such a mechanism may then be used for historical,
6 ethnological, and genealogical purposes as well as for the future exercise of
7 self-determination by the indigenous Chamorro people of Guam.

8 The Guam Legislature, in fulfilling its responsibility, endeavors to
9 memorialize the indigenous Chamorro people by establishing a registry of the
10 names of those Chamorro individuals, families, and their descendants who
11 have survived over three hundred years of colonial occupation and who
12 continue to develop as one Chamorro people on their homeland, Guam. This
13 registry shall serve as a tool to help educate Chamorros about their status as
14 an indigenous people and the inalienable right of self-determination which
15 they possess, a right recognized and promoted by Article 1 and Article 55 of
16 the United Nations Charter in support of "friendly relations among nations
17 based on respect for the principle of equal rights and self-determination of
18 peoples." The registry shall also reiterate the obligation of the United States
19 of America to the indigenous people of Guam, under Article 73 of the United
20 Nations Charter, which calls for all member nations to assist the people of
21 the non-self-governing territories "to develop self-government, to take due
22 account of the political aspirations of the peoples, and to assist them in the
23 progressive development of their free political institutions".

24 The Guam Legislature finds this registry to be consistent with the Guam
25 Commonwealth Draft Act, each section of which was democratically
26 approved by the people of Guam and which explicitly recognizes the

1 Chamorro people's right of self-determination. The Legislature intends for
2 this registry to assist in the process of heightening local awareness among the
3 people of Guam of the current struggle for Commonwealth, of the identity of
4 the indigenous Chamorro people of Guam, and of the role that Chamorros
5 and succeeding generations play in the island's cultural survival and in
6 Guam's political evolution towards self-government.

7 **Section 2. The Chamorro Registry.** A new Chapter 20 is hereby added
8 to Title 3, Guam Code Annotated, to read:

9 **"CHAPTER 20"**

10 **THE CHAMORRO REGISTRY**

- 11 **Section 20001. Definitions.**
- 12 **Section 20002. Affidavit of Registration.**
- 13 **Section 20003. Persons Entitled to Register or Be Registered.**
- 14 **Section 20004. Same: Minors.**
- 15 **Section 20005. Same: Off-Island Chamorros.**
- 16 **Section 20006. Same: Same: Minors.**
- 17 **Section 20007. Times for Registration.**
- 18 **Section 20008. Place of Registration.**
- 19 **Section 20009. Unlawful Registration as a Crime.**
- 20 **Section 20010. Permanence of Records.**
- 21 **Section 20011. Qualifications of Registration Clerks for the**
22 **Chamorro Registry.**
- 23 **Section 20012. Compensation for Registration Clerks.**
- 24 **Section 20013. Registration Clerks Empowered to Take**
25 **Affidavits.**
- 26 **Section 20014. Registration Clerks Not to Charge Fees.**

- 1 **Section 20015. Return of Documents by Registration Clerks.**
- 2 **Section 20016. Penalties for Acts of Omissions.**
- 3 **Section 20017. Reports to the Attorney General.**
- 4 **Section 20018. Costs to Registration Clerks.**
- 5 **Section 20019. Certified Copy of Registration as Evidence.**
- 6 **Section 20020. Report of Deaths.**
- 7 **Section 20021. Action to Compel Registration.**
- 8 **Section 20022. Action to Compel Cancellation.**
- 9 **Section 20023. Preservation of Registration Affidavits.**
- 10 **Section 20024. Index of Registrations.**
- 11 **Section 20025. Copies of Index to Candidates.**
- 12 **Section 20026. Establishment of Chamorro Registry Advisory**
- 13 **Board: Composition; Removal of Members;**
- 14 **Chairperson; Quorum.**
- 15 **Section 20027. Same: Ex-officio and Nonvoting Members.**
- 16 **Section 20028. Same: Duties and Responsibilities.**
- 17 **Section 20029. Same: Same: Provisions of Forms.**
- 18 **Section 20030. Same: Same: Informational Brochures.**
- 19 **Section 20031. Same: Powers of the Advisory Board.**
- 20 **Section 20001. Definitions.** For the purpose of this Title:
- 21 (a) **Chamorro** means those persons defined by the U.S. Congress
- 22 in Section IV of the Organic Act of Guam (Act of August 1,
- 23 1950, 64 Stat. 384), pursuant to Article IX of the Treaty of
- 24 Peace between the United States and Spain (signed in Paris,
- 25 December 10, 1898, and proclaimed April 11, 1899), and their
- 26 descendants:

1 1) All inhabitants of the island of Guam on April 11, 1899,
2 including those temporarily absent from the island on
3 that date, who were Spanish subjects, who after that
4 date continued to reside in Guam or other territory over
5 which the United States exercises sovereignty, and
6 have taken no affirmative steps to preserve or acquire
7 foreign nationality; and

8 2) All persons born in the island of Guam, who resided in
9 Guam on April 11, 1899, including those temporarily
10 absent from the island on that date, who after that date
11 continued to reside in Guam or other territory over
12 which the United States exercises sovereignty, and who
13 have taken no affirmative steps to preserve or acquire
14 foreign nationality.

15 (b) **Descendant** means a person who has proceeded by birth, such as a
16 child or grandchild, to the remotest degree, from any Chamorro
17 as defined above and who is considered placed in a line of
18 succession from such ancestor where such succession is by virtue
19 of blood relations.

20 (c) **The Chamorro Registry** means the index of names established by
21 the Guam Election Commission for the purposes of registering
22 and recording the names of Chamorros.

23 (d) **The Commission** means the Guam Election Commission.

24 (e) **The Board** means the Chamorro Registry Advisory Board
25 established under the Guam Election Commission for the

1 purposes of guiding the establishment, administration, and
2 maintenance of the Chamorro Registry.

3 **Section 20002. Affidavit of Registration.** No person shall be registered
4 with the Chamorro Registry except by affidavit of registration made before
5 the registration clerk of the district or municipality wherein such person
6 resides, or before a registration clerk in the office of the Guam Election
7 Commission. The Commission shall prepare forms for the collection of data
8 pertaining to registration eligibility, Chamorro family name, and residency.
9 The Commission shall also require the submission of such additional
10 information and proper documentation as will enable it to comply with this
11 Chapter. The affidavit shall then be made in duplicate and shall set forth all
12 the facts required to be set forth by this Title. Any change of residency must be
13 reported to the Commission within thirty (30) days of such change.

14 **Section 20003. Persons Entitled to Register or be Registered.** Every
15 person who is Chamorro, as defined in Section 20001 above, or who is
16 descended from a Chamorro is entitled to register or, in the case of minors, be
17 registered with the Chamorro Registry.

18 **Section 20004. Same: Minors.** Individuals below the age of eighteen
19 (18) years, who are eligible under Section 20003 of this Chapter to be
20 registered with the Chamorro Registry, are considered minors and must be
21 registered by a parent or legal guardian. Such parent or guardian must
22 register such minor by affidavit of registration made before the registration
23 of the district or municipality wherein such minor resides, or before a
24 registration clerk in the office of the Commission. The Commission shall also
25 require the submission of such additional information and proper
26 documentation as will enable it to verify the relationship between

1 parent/guardian and said minor and to comply with the rest of this Chapter.
2 Any change of residency for such minor must be reported to the Commission
3 within thirty (30) days of such change.

4 **Section 20005. Same: Off-island Chamorros.** Persons, who are eligible
5 under Section 20003 of this Chapter to register with the Chamorro Registry,
6 but who are not on Guam at such time as they intend to register, may
7 complete and submit, via certified mail, a notarized affidavit of registration
8 to the Commission. Affidavits of registration shall be made available by the
9 Commission. The Commission shall also require from such persons the
10 submission of such additional information and proper documentation as will
11 enable it to comply with this Chapter. Any change of residency must be
12 reported to the Commission within thirty (30) days of such change.

13 **Section 20006. Same: Same: Minors.** Individuals below the age of
14 eighteen (18) years, who are eligible under Section 20003 of this Chapter to
15 register with the Chamorro Registry, but who are not on Guam at such time
16 as they are to be registered, may be registered by a parent or legal guardian
17 who shall complete and submit, via certified mail, a notarized affidavit of
18 registration to the Commission on behalf of said minor. The Commission
19 shall require from such parent/guardian the submission of such additional
20 information and proper documentation as will enable it to comply with this
21 Chapter. Any change of residency must be reported to the Commission within
22 thirty (30) days of such change.

23 **Section 20007. Times for Registration.** A person may register with the
24 Chamorro Registry at any time during the year except at such times when the
25 Commission shall close the registration rolls for the purposes of conducting

1 elections or plebiscites. At such times, the registration rolls shall be closed ten
2 (10) days prior to such election or plebiscite.

3 **Section 20008. Place of Registration.** Registration for Chamorros with
4 the Chamorro Registry shall be in progress at the main office of the
5 Commission during such hours as the office is open for business, prior to any
6 closing of the registration rolls. Upon enactment of this Act, the Commission
7 shall deputize as many volunteers to serve as registration clerks in each of the
8 villages, for an undetermined period after the date of enactment, as is
9 necessary for the purposes of registering eligible persons with the Chamorro
10 Registry. Such registration shall take place at each mayor's office or any
11 other place within the village designated by the Commission. Chamorros
12 shall also be able to register with the Chamorro Registry at such times and
13 places within the Territory as the Commission shall deem advisable and
14 convenient, and the Commission shall deputize volunteers for such purposes
15 as well.

16 **Section 20009. Unlawful Registration as a Crime.** Any person who
17 willfully causes, procures, or allows himself or any person to be registered
18 with the Chamorro Registry, while knowing that he or that other person is
19 not entitled to register with the Chamorro Registry, is guilty of perjury as a
20 misdemeanor. An individual who is guilty of submitting a false affidavit of
21 registration with the Chamorro Registry shall have such affidavit of
22 registration automatically revoked.

23 **Section 20010. Permanence of Records.** The registration of a
24 Chamorro is permanent for all purposes.

1 It shall be the duty of the Commission to issue to each registered
2 Chamorro a card indicating that such person has been registered with the
3 Chamorro Registry.

4 **Section 20011. Qualification of Registration Clerks for the Chamorro**
5 **Registry.** The Commission may appoint any qualified adult as a registration
6 clerk. No person holding an elective office or who is a candidate for elective
7 office shall be appointed as a registration clerk. Under no circumstances may
8 a volunteer clerk deny registration to a person eligible to register or be
9 registered with the Chamorro Registry.

10 **Section 20012. Compensation for Registration Clerks.** Section 3111,
11 Chapter 3, Title 3, applies.

12 **Section 20013. Registration Clerks Empowered to Take Affidavits.**
13 Section 3112, Chapter 3, Title 3, applies.

14 **Section 20014. Registration Clerks Not to Charge Fees.** Section 3113,
15 Chapter 3, Title 3, applies.

16 **Section 20015. Return of Documents by Registration Clerks.** All
17 registration clerks shall return all affidavits of registration and all books or
18 pads in their possession containing stubs, spoiled affidavits, or unused
19 affidavit forms to the Commission which shall file the original and copy of
20 each affidavit separately in securely locked container or storage space. The
21 timetable for submission of documents by registration clerks and the
22 organization of affidavits shall be determined by the Commission. The
23 original affidavit of registration shall be kept, at all times, in the office of the
24 Commission. The duplicates shall be bound in suitable book or form.

25 **Section 20016. Penalties for Acts or Omissions.** Any person having
26 charge of affidavits of registration is guilty of a misdemeanor who: .

1 (a) Neglects or refuses to make all the entries provided for in
2 this Title; or,

3 (b) Fails or neglects to comply with any provision of this
4 Chapter.

5 **Section 20017. Reports to the Attorney General.** The Commission shall
6 report to the Attorney General of Guam, under oath, the names of any
7 registration clerk who has not complied with the provisions of this Chapter.

8 **Section 20018. Costs to Registration Clerks.** Section 3118 of Chapter 3,
9 Title 3, applies.

10 **Section 20019. Certified Copy of Registration as Evidence.** Section
11 3119, Chapter 3, Title 3, applies.

12 **Section 20020. Report of Deaths.** Section 3123 of Chapter 3, Title 3,
13 applies.

14 **Section 20021. Action to Compel Registration.** If a registration clerk
15 refuses to register any person eligible to register with the Chamorro Registry,
16 such person may appeal such refusal to the Commission, and if the
17 Commission upholds or affirms the ruling of the registration clerk, such
18 person may proceed by action in the Superior Court to compel his
19 registration. In an action under this Section, as many persons may join as
20 plaintiffs, as have causes of action.

21 **Section 20022. Action to Compel Cancellation.** Any person may
22 proceed by action in the Superior Court to compel the Commission to cancel
23 any registration made illegally. If the person whose registration is sought to
24 be canceled is not a party to the action, the Court may order him to be made a
25 party defendant. The Commission, and as many persons as there are causes
26 of action against, may be joined as defendants.

1 **Section 20023. Preservation of Registration Affidavits.** The
2 Commission shall preserve all uncanceled affidavits of registration, and the
3 canceled duplicates, made for the purpose of procuring registration. The
4 affidavits of registration shall constitute the Chamorro Registry required to
5 be kept by the provisions of this Chapter.

6 **Section 20024. Index of Registrations.** The Commission shall prepare
7 an index of the Chamorro Registry and provide sufficient copies thereof.

8 **Section 20025. Index as public record; fee.** Upon written demand of any
9 member of the public, the Commission shall furnish to him one (1) copy of the
10 index of the Chamorro Registry at a charge prescribed by the Commission.
11 All moneys so collected shall be covered into the Treasury of the Government
12 of Guam.

13 **Section 20026. Establishment of Chamorro Registry Advisory Board:**
14 **Composition; Removal of Members; Chairperson; Quorum.** There is hereby
15 established a Chamorro Registry Advisory Board with the following
16 provisions:

17 (a) There is within the government of Guam and under authority
18 of the Guam Election Commission the Chamorro Registry
19 Advisory Board. The Board shall consist of five (5) members,
20 all of whom shall be Chamorros, as defined in Section 20001
21 above. The Governor shall appoint the five (5) members who
22 shall have the following qualifications:

23 (i) two (2) members who have had extensive work
24 experience in the administration of a local Chamorro
25 cultural agency or Chamorro cultural program;

- 1 (ii) two (2) members who have had a strong background in
2 Chamorro historical or genealogical work; and
3 (iii) one (1) member who has a strong understanding of the
4 issue of indigenous peoples or has been extensively
5 involved in the work towards the future exercise of
6 Chamorro self-determination.

7 The members of the Board shall serve for a term of two (2) years. If a
8 vacancy should occur on the Board, said vacancy shall be filled for the
9 remainder of the term only, and by the method originally prescribed for its
10 appointment. Every member of the Board who is not in the service of the
11 Government, for which he receives an annual compensation, shall be paid
12 Twenty-Five Dollars (\$25.00) for each attendance of a meeting upon his
13 duties.

- 14 (b) Any member may be removed for misconduct in office by a
15 resolution duly adopted by a vote of two-thirds of the members
16 elected to the Legislature.
- 17 (c) The Advisory Board shall annually elect one (1) of its members as
18 Chairperson. The Chairperson shall preside at all meetings of the
19 Board.
- 20 d) A majority of the members of the Board shall constitute a quorum.
21 The vote of a majority of the Board shall be required to make any
22 action of the Board effective. The Board shall promulgate all
23 other rules and regulations as are necessary for its effective
24 operation.

25 **Section 20027. Same: Ex-officio and Nonvoting Members.** The
26 Executive Director of the Election Commission, Chairperson of the Election

1 Commission, Executive Director of the Commission on Self-Determination,
2 Executive Director of the Chamorro Heritage Institute once established, and
3 the Chairperson of the Committee on Federal and Foreign Affairs of the
4 Legislature shall serve as ex-officio members of the Board but shall not be
5 voting members thereof. The Executive Director of the Election Commission
6 shall also serve as the ex-officio secretary for the Board.

7 **Section 20028. Same: Duties and Responsibilities.** The Board shall
8 have direct and immediate supervision over the registration clerks
9 designated in accordance with this Chapter to perform duties relative to the
10 establishment, administration, and maintenance of the Chamorro Registry.
11 Where such duties overlap with duties relative to the conduct of elections, the
12 Board shall make recommendations to the Commission relative to the
13 supervision of said clerks, and the Commission shall have the final decision-
14 making authority.

15 The Board shall recommend to the Commission the suspension from the
16 performance of said duties any of said clerks who shall fail to comply with its
17 instruction, orders, decisions or rulings, and the appointment of temporary
18 substitutes. Upon the recommendation of the Commission, the Governor
19 may remove any and all clerks who shall be found guilty of nonfeasance or
20 misfeasance in connection with the performance of their duties relative to the
21 Chamorro Registry.

22 **Section 20029. Same: Same: Provision of Forms.** It shall be the
23 responsibility of the Commission to provide all necessary forms as prescribed
24 by the Board for the establishment of the Chamorro Registry.

25 **Section 20030. Same: Same: Informational Brochures.** It shall be the
26 responsibility of the Board to prepare and promulgate informational

1 brochures providing basic information pertaining to the establishment of the
2 Chamorro Registry, eligibility requirements, guidelines for registration, and
3 any other such information as the Board should deem necessary for the
4 purposes of educating the general public. The content of the brochures shall
5 be subject to approval by the Commission and by the Governor. Such
6 brochures shall be made available at the main office of the Commission, from
7 registration clerks, and at other locations recommended by the Board and
8 approved by the Commission.

9 **Section 20031. Same: Powers of the Advisory Board.** The Board shall
10 have the power to summon the parties to a controversy pending before it,
11 issue *subpoenas duces tecum* and otherwise to take testimony in any
12 investigation or hearing pending before it and delegate such power to any
13 officer. Any controversy submitted to the Board shall be tried, heard, and
14 decided within fifteen (15) days counted from the time corresponding petition
15 giving rise to said controversy is filed. If either party wishes to appeal the
16 decision or ruling of the Board, appeal may be made to the Commission for
17 further consideration of hearing. The Board shall have the power to certify
18 to the Superior Court of Guam for contempt.”

19 **Section 3. Powers of Guam Election Commission.** A new Section 2108
20 is added to Chapter 2 of Title 3, GCA, to read:

21 **“Section 2108. Same: The Chamorro Registry and Advisory**
22 **Board.** It shall be the responsibility of the Election Commission to
23 administer the Chamorro Registry with the advice of the Chamorro
24 Registry Advisory Board. It shall also be the duty of the
25 Commission to consider for approval the content of other
26 informational brochures issued by the Board, with the approval to

1 be submitted for consideration by the Governor. When a
2 controversy is brought up and heard before the Board, the
3 Commission shall serve as an appellate board for any ruling
4 rendered by the Board."

5 **Section 4. Effective Date.** This Act shall become effective within ninety
6 (90) days of its enactment.

VOTING SHEET

Bill No. 673
 Resolution No. _____
 Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.				
WONPAT-BORJA, Judith	✓			

TOTAL 20 0 0 1

CERTIFIED TRUE AND CORRECT:

 Recording Secretary

123-137



Senator Hope Alvarez Cristobal
Twenty-Third Guam Legislature
Chairperson, Committee on Federal and Foreign Affairs

August 20, 1996

Speaker Don Parkinson
Twenty-Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Speaker Parkinson:

The Committee on Federal and Foreign Affairs to which was referred **BILL 673 -- AN ACT TO ESTABLISH THE CHAMORRO REGISTRY** submits its Committee Report to the Legislature with the recommendation to **DO PASS**.

The voting record is as follows:

To Pass	<u>10</u>
Not to Pass	_____
Abstain	_____
Inactive File	_____

Your immediate attention to this matter is greatly appreciated.

Si Yu'os Ma'ase,

HOPE ALVAREZ CRISTOBAL
Senator



Senator Hope Alvarez Cristobal
Twenty-Third Guam Legislature
Chairperson, Committee on Federal and Foreign Affairs

August 20, 1996

MEMORANDUM

TO: Members, Committee on Federal and Foreign Affairs

FROM: Senator Hope A. Cristobal, Chair

RE: Voting Sheet for **Bill 673 -- An Act to Establish the Chamorro Registry**

In reference to the Committee's public hearing conducted on Friday, August 2, 1996, the attached voting sheet is accompanied by the following supplements:

- 1) A copy of Bill 673 as introduced
- 2) A copy of Bill 673 as substituted by Committee
- 3) Public Hearing Overview
- 4) Digest of Testimony, Oral and Written
- 5) Committee Findings and Recommendations
- 6) A copy of the fiscal note

Please contact me should you have additional comments or concerns.

Si Yu'os Ma'ase,


HOPE ALVAREZ CRISTOBAL

Attachments



Senator Hope Alvarez Cristobal

Twenty-Third Guam Legislature

Chairperson, Committee on Federal and Foreign Affairs

VOTING SHEET

BILL NO. 673

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY

COMMITTEE MEMBERS	To PASS	NOT to PASS	To ABSTAIN	To Place in INACTIVE FILE	SIGNATURE
Sen. Hope A. CRISTOBAL Chairperson	✓				<i>Hope A. Cristobal</i>
Senator Angel SANTOS Vice-Chair	✓				<i>Angel Santos</i>
Senator Tom ADA Member	✓				<i>Tom ADA</i>
Sen. J. WON-PAT BORJA Member	✓				<i>J. Won-Pat Borja</i>
Sen. Mark CHARFAUROS Member	✓				<i>Mark C. Charfauros</i>
Sen. L. LEON GUERRERO Member	✓				<i>Lou Leon Guerrero</i>
Sen. V. PANGELINAN Member	✓				<i>V. Pangelinan</i>
Senator Francis SANTOS Member	✓				<i>Francis Santos</i>
Sen. E. BARRETT-ANDERSON Member					
Senator Anthony BLAZ Member					
Senator Mark FORBES Member	✓				<i>Mark Forbes</i>
Senator C. LEON GUERRERO Member	✓				<i>Carlotta C. Leon</i>

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Vice-Chairperson, Committee on Education * Member, Committee on Health, Welfare & Senior Citizens * Member, Committee on Judiciary & Criminal Justice, and Environmental Affairs * Member, Committee on General Governmental Operations and Micronesian Affairs * Member, Committee on Community, Housing & Cultural Affairs * Member, Committee on Youth, Labor and Parks & Recreation * Member, Commission on Self Determination * Member, Political Status Education Coordinating Commission * Member, Guam Finance Commission * Alternate Secretary General, Asian-Pacific Parliamentarians' Union * Member, Komitea Para Tiyan

TWENTY-THIRD GUAM LEGISLATURE
1996 (Second) Regular Session

Bill No. 673 (as substituted by Committee)

Introduced by:

H.A. Cristobal
J.T. San Agustin

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Statement of Intent. The Guam Legislature recognizes that the indigenous Chamorro people of Guam have suffered yet persisted as a population with a distinct language and culture through over three hundred years of colonial occupation by Spain, the United States of America, and Japan. During this period, Chamorros have survived through war, famine, disease, and cultural repression brought about by the Chamorro-Spanish Wars from 1668 to 1685; Spanish occupation until the Spanish-American War of 1898; the arrival of the Americans after the Treaty of Peace between the United States of America and Spain; and the Japanese occupation of Guam during World War II from 1941 to 1944.

The Legislature also finds that, during their respective periods of occupation, the Spanish, American, and Japanese governments conducted islandwide census to identify and verify the number of indigenous Chamorros living on Guam. These censuses serve as historical documentation of the survival of Chamorros through war, foreign occupation, and peace, and they have been useful as genealogical tools to help identify these survivors and trace their descendants. The Legislature recognizes its responsibility of establishing a mechanism that will function similarly in taking historical record of the progress and identity of the indigenous Chamorro people of Guam. Such a mechanism may then be used for historical, ethnological, and genealogical purposes as well as for the future exercise of self-determination by the indigenous Chamorro people of Guam.

The Guam Legislature, in fulfilling its responsibility, endeavors to memorialize the indigenous Chamorro people by establishing a registry of the names of those Chamorro individuals, families, and their descendants who have survived over three hundred years of colonial occupation and who continue to develop as one Chamorro people on their homeland, Guam. This registry shall serve as a tool to help educate Chamorros about their status as an indigenous people and the inalienable right of self-determination which they possess, a right recognized and promoted by Article 1 and Article 55 of the United Nations Charter in support of “friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.” The registry shall also reiterate the obligation of the United States of America to the indigenous people of Guam, under Article 73 of the United Nations Charter, which calls for all member nations to assist the people of the non-self-governing territories “to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions.”

The Guam Legislature finds this registry to be consistent with the Guam Commonwealth Draft Act, each section of which was democratically approved by the people of Guam and which explicitly recognizes the Chamorro people’s right of self-determination. The Legislature intends for this registry to assist in the process of heightening local awareness among the people of Guam of the current struggle for Commonwealth, of the identity of the indigenous Chamorro people of Guam, and of the role that Chamorros and their succeeding generations play in the island’s cultural survival and in Guam’s political evolution towards self-government.

Section 2. The Chamorro Registry. A new Chapter 20 is hereby added to Title 3, Guam Code Annotated, to read:

**“CHAPTER 20”
THE CHAMORRO REGISTRY**

- | | |
|-----------------------|---|
| Section 20001. | Definitions. |
| Section 20002. | Affidavit of Registration. |
| Section 20003. | Persons Entitled to Register or Be Registered. |
| Section 20004. | Same: Minors. |
| Section 20005. | Same: Off-Island Chamorros. |

- Section 20006. Same: Same: Minors.**
Section 20007. Times for Registration.
Section 20008. Place of Registration.
Section 20009. Unlawful Registration as a Crime.
Section 20010. Permanence of Records.
Section 20011. Qualifications of Registration Clerks for the Chamorro Registry.
Section 20012. Compensation for Registration Clerks.
Section 20013. Registration Clerks Empowered to Take Affidavits.
Section 20014. Registration Clerks Not to Charge Fees.
Section 20015. Return of Documents by Registration Clerks.
Section 20016. Penalties for Acts of Omissions.
Section 20017. Reports to the Attorney General.
Section 20018. Costs to Registration Clerks.
Section 20019. Certified Copy of Registration as Evidence.
Section 20020. Report of Deaths.
Section 20021. Action to Compel Registration.
Section 20022. Action to Compel Cancellation.
Section 20023. Preservation of Registration Affidavits.
Section 20024. Index of Registrations.
Section 20025. Copies of Index to Candidates.
Section 20026. Establishment of Chamorro Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum.
Section 20027. Same: Ex-officio and Nonvoting Members.
Section 20028. Same: Duties and Responsibilities.
Section 20029. Same: Same: Provisions of Forms.
Section 20030. Same: Same: Informational Brochures.
Section 20031. Same: Powers of the Advisory Board.

Section 20001. Definitions. For the purpose of this Title:

- (a) **Chamorro** means those persons defined by the U.S. Congress in Section IV of the Organic Act of Guam (Act of August 1, 1950, 64 Stat. 384), pursuant to Article IX of the Treaty of Peace between the United States and Spain (signed in Paris, December 10, 1898, and proclaimed April 11, 1899), and their descendants:

- 1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and have taken no affirmative steps to preserve or acquire foreign nationality; and
 - 2) All persons born in the island of Guam, who resided in Guam on April 11, 1899, including those temporarily absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.
- (b) **Descendant** means a person who has proceeded by birth, such as a child or grandchild, to the remotest degree, from any Chamorro as defined above and who is considered placed in a line of succession from such ancestor where such succession is by virtue of blood relations.
- (c) **The Chamorro Registry** means the index of names established by the Guam Election Commission for the purposes of registering and recording the names of Chamorros.
- (d) **The Commission** means the Guam Election Commission.
- (e) **The Board** means the Chamorro Registry Advisory Board established under the Guam Election Commission for the purposes of guiding the establishment, administration, and maintenance of the Chamorro Registry.

Section 20002. Affidavit of Registration. No person shall be registered with the Chamorro Registry except by affidavit of registration made before the registration clerk of the district or municipality wherein such person resides, or before a registration

clerk in the office of the Guam Election Commission. The Commission shall prepare forms for the collection of data pertaining to registration eligibility, Chamorro family name, and residency. The Commission shall also require the submission of such additional information and proper documentation as will enable it to comply with this Chapter. The affidavit shall then be made in duplicate and shall set forth all the facts required to be set forth by this Title. Any change of residency must be reported to the Commission within thirty (30) days of such change.

Section 20003. Persons Entitled to Register or be Registered.

Every person who is Chamorro, as defined in Section 20001 above, or who is descended from a Chamorro is entitled to register or, in the case of minors, be registered with the Chamorro Registry.

Section 20004. Same: Minors. Individuals below the age of eighteen (18) years, who are eligible under Section 20003 of this Chapter to be registered with the Chamorro Registry, are considered minors and must be registered by a parent or legal guardian. Such parent or guardian must register such minor by affidavit of registration made before the registration of the district or municipality wherein such minor resides, or before a registration clerk in the office of the Commission. The Commission shall also require the submission of such additional information and proper documentation as will enable it to verify the relationship between parent/guardian and said minor and to comply with the rest of this Chapter. Any change of residency for such minor must be reported to the Commission within thirty (30) days of such change.

Section 20005. Same: Off-island Chamorros. Persons, who are eligible under Section 20003 of this Chapter to register with the Chamorro Registry, but who are not on Guam at such time as they intend to register, may complete and submit, via certified mail, a notarized affidavit of registration to the Commission. Affidavits of registration shall be made available by the Commission. The Commission shall also require from such persons the submission of such additional information and proper documentation as will enable

it to comply with this Chapter. Any change of residency must be reported to the Commission within thirty (30) days of such change.

Section 20006. Same: Same: Minors. Individuals below the age of eighteen (18) years, who are eligible under Section 20003 of this Chapter to register with the Chamorro Registry, but who are not on Guam at such time as they are to be registered, may be registered by a parent or legal guardian who shall complete and submit, via certified mail, a notarized affidavit of registration to the Commission on behalf of said minor. The Commission shall require from such parent/guardian the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency must be reported to the Commission within thirty (30) days of such change.

Section 20007. Times for Registration. A person may register with the Chamorro Registry at any time during the year except at such times when the Commission shall close the registration rolls for the purposes of conducting elections or plebiscites. At such times, the registration rolls shall be closed ten (10) days prior to such election or plebiscite.

Section 20008. Place of Registration. Registration for Chamorros with the Chamorro Registry shall be in progress at the main office of the Commission during such hours as the office is open for business, prior to any closing of the registration rolls. Upon enactment of this Act, the Commission shall deputize as many volunteers to serve as registration clerks in each of the villages, for an undetermined period after the date of enactment, as is necessary for the purposes of registering eligible persons with the Chamorro Registry. Such registration shall take place at each mayor's office or any other place within the village designated by the Commission. Chamorros shall also be able to register with the Chamorro Registry at such times and places within the Territory as the Commission shall deem advisable and convenient, and the Commission shall deputize volunteers for such purposes as well.

Section 20009. Unlawful Registration as a Crime. Any person who willfully cause, procure, or allows himself or any person to be registered with the Chamorro Registry, knowing himself or that other person not to be entitled to register with the Chamorro Registry, knowing himself or that other person not to be entitled to registration, is guilty of perjury as a misdemeanor. An individual who is guilty of submitting a false affidavit of registration with the Chamorro Registry shall have such affidavit of registration automatically revoked.

Section 20010. Permanence of Records. The registration of a Chamorro is permanent for all purposes.

It shall be the duty of the Commission to send to each registered Chamorro a card indicating that such person has been registered with the Chamorro Registry.

Section 20011. Qualification of Registration Clerks for the Chamorro Registry. The Commission may appoint any qualified adult as a registration clerk. No person holding an elective office or who is a candidate for elective office shall be appointed as a registration clerk. Under no circumstances may such a volunteer clerk deny registration to a person eligible to register or be registered with the Chamorro Registry.

Section 20012. Compensation for Registration Clerks. Section 3111, Chapter 3, Title 3, applies.

Section 20013. Registration Clerks Empowered to Take Affidavits. Section 3112, Chapter 3, Title 3, applies.

Section 20014. Registration Clerks Not to Charge Fees. Section 3113, Chapter 3, Title 3, applies.

Section 20015. Return of Documents by Registration Clerks. All registration clerks shall return all affidavits of registration and all books or pads in their possession containing stubs, spoiled affidavits, or unused affidavit blanks to the Commission which shall file the original and copy of each affidavit separately in securely locked

container or storage space. The timetable for submission of documents by registration clerks and the organization of affidavits shall be determined by the Commission. The original affidavit of registration shall be kept, at all times, in the office of the Commission. The duplicates shall be bound in suitable book or form.

Section 20016. Penalties for Acts or Omissions. Any person having charge of affidavits of registration is guilty of a misdemeanor who:

- (a) Neglects or refuses to make all the entries provided for in this Title; or,
- (b) Fails or neglects to comply with any provision of this Chapter.

Section 20017. Reports to the Attorney General. The Commission shall report to the Attorney General of Guam, under oath, the names of any registration clerk who has not complied with the provisions of this Chapter.

Section 20018. Costs to Registration Clerks. Section 3118 of Chapter 3, Title 3, applies.

Section 20019. Certified Copy of Registration as Evidence. Section 3119, Chapter 3, Title 3, applies.

Section 20020. Report of Deaths. Section 3123 of Chapter 3, Title 3, applies.

Section 20021. Action to Compel Registration. If a registration clerk refuses to register any person eligible to register with the Chamorro Registry, such person may appeal such refusal to the Commission, and if the Commission upholds or affirms the ruling of the registration clerk, such person may proceed by action in the Superior Court to compel his registration. In an action under this Section, as many persons may join as plaintiffs, as have causes of action.

Section 20022. Action to Compel Cancellation. Any person may proceed by action in the Superior Court to compel the Commission to cancel any registration made illegally. If the person whose registration is sought to be canceled is not a party to the action, the Court may order him to be made a party defendant. The Commission, and as many persons as there are causes of action against, may be joined as defendants.

Section 20023. Preservation of Registration Affidavits. The Commission shall preserve all uncanceled affidavits of registration, and the canceled duplicates, made for the purpose of procuring registration. The affidavits of registration shall constitute the Chamorro Registry required to be kept by the provisions of this Chapter.

Section 20024. Index of Registrations. The Commission shall prepare an index of the Chamorro Registry and provide sufficient copies thereof.

Section 20025. Copies of Index to Candidates. Upon written demand of any member of the public, the Commission shall furnish to him one (1) copy of the index of the Chamorro Registry at a charge prescribed by the Commission. All moneys so collected shall be covered into the Treasury of the Government of Guam.

Section 20026. Establishment of Chamorro Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum. There is hereby established a Chamorro Registry Advisory Board with the following provisions:

- (a) There is within the government of Guam and under authority of the Guam Election Commission the Chamorro Registry Advisory Board. The Board shall consist of five (5) members, all of whom shall be Chamorros, as defined in Section 20001 above. The Governor shall appoint the five (5) members who shall have the following qualifications:

- (i) two (2) members who have had extensive work experience in the administration of a local Chamorro cultural agency or Chamorro cultural program;
- (ii) two (2) members who have had a strong background in Chamorro historical or genealogical work; and
- (iii) one (1) member who has a strong understanding of the issue of indigenous peoples or has been extensively involved in the work towards the future exercise of Chamorro self-determination.

The members of the Board shall serve for a term of two (2) years. If a vacancy should occur on the Board, said vacancy shall be filled for the remainder of the term only, and by the method originally prescribed for its appointment. Every member of the Board who is not in the service of the Government, for which he receives an annual compensation, shall be paid Twenty-Five Dollars (\$25.00) for each attendance of a meeting upon his duties.

- (b) Any member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds of the members elected to the Legislature.
- (c) The Advisory Board shall annually elect one (1) of its members as Chairperson. The Chairperson shall preside at all meetings of the Board.
- (d) A majority of the members of the Board shall constitute a quorum. The vote of a majority of the Board shall be required to make any action of the Board effective. The Board shall promulgate all other rules and regulations as are necessary for its effective operation.

Section 20027. Same: Ex-officio and Nonvoting Members. The Executive Director of the Election Commission, Chairperson of the Election Commission, Executive Director of the Commission on Self-Determination, Executive Director of the Chamorro Heritage Institute

once established, and the Chairperson of the Committee on Federal and Foreign Affairs of the Legislature shall serve as ex-officio members of the Board but shall not be voting members thereof. The Executive Director of the Election Commission shall also serve as the ex-officio secretary for the Board.

Section 20028. Same: Duties and Responsibilities. The Board shall have direct and immediate supervision over the registration clerks designated in accordance with this Chapter to perform duties relative to the establishment, administration, and maintenance of the Chamorro Registry. Where such duties overlap with duties relative to the conduct of elections, the Board shall make recommendations to the Commission relative to the supervision of said clerks, and the Commission shall have the final decision-making authority.

The Board shall recommend to the Commission the suspension from the performance of said duties any of said clerks who shall fail to comply with its instruction, orders, decisions or rulings, and the appointment of temporary substitutes. Upon the recommendation of the Commission, the Governor may remove any and all clerks who shall be found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the Chamorro Registry.

Section 20029. Same: Same: Provision of Forms. It shall be the responsibility of the Commission to provide all necessary forms as prescribe by the Board for the establishment of the Chamorro Registry.

Section 20030. Same: Same: Informational Brochures. It shall be the responsibility of the Board to prepare and promulgate informational brochures providing basic information pertaining to the establishment of the Chamorro Registry, eligibility requirements, guidelines for registration, and any other such information as the Board should deem necessary for the purposes of educating the general public. The content of the brochures shall be subject to approval by the Commission and by the Governor. Such brochures shall be made available at the main office of the Commission, from

registration clerks, and at other locations recommended by the Board and approved by the Commission.

Section 20031. Same: Powers of the Advisory Board. The Board shall have the power to summon the parties to a controversy pending before it, issue *subpoenas duces tecum* and otherwise to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Board shall be tried, heard, and decided within fifteen (15) days counted from the time corresponding petition giving rise to said controversy is filed. If either party wishes to appeal the decision or ruling of the Board, appeal may be made to the Commission for further consideration of hearing. The Board shall have the power to certify to the Superior Court of Guam for contempt.”

Section 3. Powers of Guam Election Commission. A new Section 2108 is added to Chapter 2 of Title 3, GCA, to read:

“**Section 2108. Same: The Chamorro Registry and Advisory Board.** It shall be the responsibility of the Election Commission to administer the Chamorro Registry with the advice of the Chamorro Registry Advisory Board. It shall also be the duty of the Commission to consider for approval the content of other informational brochures issued by the Board, with the approval to be submitted for consideration by the Governor. When a controversy is brought up and heard before the Board, the Commission shall serve as an appellate board for any ruling rendered by the Board.”

Section 4. Effective Date. This Act shall become effective within ninety (90) days of its enactment.

**Committee on Federal and Foreign Affairs
Senator Hope A. Cristobal, Chair**

**Committee Report on Bill 673 -- An Act to Establish the
Chamorro Registry**

Overview:

The Committee on Federal and Foreign Affairs, having purview over all matters relating to United States treaties, compacts, and agreements affecting Guam and on all matters relating to the eventual political status of Guam, conducted a Public Hearing on Bill 673, An Act to Establish the Chamorro Registry, which took place on Friday, August 2, 1996, in the Legislative Public Hearing Room at 9:30 a.m.

Committee members present at the Public Hearing include the following: Senator Hope Cristobal (Chairperson), Senator Lou Leon Guerrero, Senator Carlotta Leon Guerrero, Senator Sonny Lujan Orsini, and Senator Mark Forbes.

Presenting testimony at the Public Hearing were the following:

Attorney Michael F. Phillips, Phillips and Bordallo
Mr. Norbert Perez, President of the Republic of Guahan
Mr. Alejandro Lizama, Department of Parks and Recreation
Dr. Katherine B. Aguon, Chamorro Heritage Institute
Mr. Ed Benavente, Nasion Chamoru
Ms. Sarah Thomas-Nededog, Guam Assoc. of Ret. Persons
Ms. Mary Ann Taijito, Kumision i Fino' Chamorro
Governor Carl T.C. Gutierrez, CSD
Mr. Henry A. Torres, Guam Election Commission
Mr. Paul J. Bordallo
Ms. Rosario S.N. Cave
Ms. Judy Jackson
Ms. Ramona Castro

Digest of Testimonies

Oral Testimony

1) **Mr. Michael F. Phillips, Attorney-at-Law:**

Attorney Michael Phillips expressed his support for Bill 673 and congratulated the sponsor on her courage for introducing such a bill. He stated that the Chamorro Registry would finally reduce to writing the fact that Chamorros exist and that their names and history are important. Furthermore, the Chamorro Registry would finally help properly document Chamorro history so that no one can claim that Chamorros never existed. He said that it is a sad and embarrassing thing to have to establish this written registry, but it has to be done.

Attorney Phillips had two concerns with Bill 673. First, Section 20011, regarding grounds for cancellation of registration, should be looked at again because the Chamorro Registry should not be looked at as a club. He contended that there really isn't a choice; you either are or are not a Chamorro. He suggested that remove the cancellation provision.

Secondly, Section 20002, regarding persons entitled to be registered, should also be looked at. Instead of conditioning one's registration on whether or not the registrant followed the proper procedures for registration, it should be conditioned upon whether or not the registrant fulfills the qualifications of being a Chamorro.

Attorney Phillips believes that this Chamorro Registry is the right thing for the Chamorro people to do. If we don't memorialize our history in writing, our people will be criticized for not having our history in writing. We need to pass it on and make sure that the record is clear. Even if we lose, at least those who follow us will know that we tried, and they will know we did the right thing. In ten or twenty years, the vision that our leaders show will be vindicated.

Attorney Phillips also commented on the differences we have with the Hawaiians and with the various cultures which have inundated our homeland. You are either Chamorro in the sense as part of the people of

Guam which is how it was until a short time ago. Attorney Phillips suggested that the bill use language referring to Guam's compelling interest in enacting this legislation. If you were someone of Filipino, Korean, etc. ancestry, it doesn't matter whether you pass on your native tongues; whether you do or not does not affect the survival of your language. It's different on Guam where we do not have another homeland. If the Chamorro people do not survive on Guam, then it really doesn't matter how many carnivals we have in Vallejo, the Chamorro people are not going to survive.

2) Norbert Perez, Provisional President, Republic of Guahan and President of Guam Landowners Association:

Mr. Norbert Perez congratulated the sponsors of this legislation and claimed that the passage of Bill 673 would be one of best events for the Chamorro people for the year of 1996. He described the bill as important and unifying to the Chamorro people. Mr. Perez went on to say that many people may think the bill is discriminatory, but this only lends credence to the identity crisis our people have had for 450 years.

Mr. Perez claimed that we are a minority on our own island; the U.S. laws make us aliens in our own country and island. U.S. laws do not protect the Chamorro people, only a majority of the people. Even when we were the majority, Mr. Perez said that the laws did not protect us. This will recognize and legalize the Chamorro people as a member of this universe from a political and legal standpoint. This is also a cultural registry. The Chamorro people have never registered themselves as members of this race from a cultural and sociological standpoint. Mr. Perez contended that the Chamorro people need to identify where their roots lead us and that we have to keep track of our roots. Mr. Perez asked the Committee members to pass this.

3) Alejandro Lizama, Department of Parks and Recreation, Historic Resources Division.

Mr. Lizama spoke first of his exposure to many things in our history, especially the way that outsiders treated our people. He said that it made him angry that the people from the outside called us savages, but through

history, even those who came to teach different religions to the Chamorro people recognized that the Chamorro people did things more civilized than the colonizers, and all of these things which were recorded.

Mr. Lizama felt that, with Bill 673, the Chamorro people can finally cut this umbilical cord and be happy and proud to be Chamorro. Those who are registered can show their pride in being Chamorro. He felt that if we can establish the Registry, it will reinforce the many institutions within the government which are trying to educate our people about our history and culture. He commented that he had never seen so many people so proud to be called something else other than Chamorro.

Mr. Lizama lamented the fact that the Chamorros aren't that many anymore. We have, after the war, welcomed, for example, Filipinos to our island to marry our women. Mr. Lizama gives Filipinos credit for teaching their children Tagalog and better Chamorro than our own children. Mr. Lizama recalled 20 to 30 years ago when children were taught English, not Chamorro, so they could compete and do well in school. He felt that was why Chamorros had not sustained our language. He also felt that once our language is gone, then our people will be gone as well.

Mr. Lizama commented that he liked the idea in Bill 673 because he would eventually like to have a bumper sticker or a certificate to put in all the rooms in his house to be a reminder that he is Chamorro.

4) Dr. Katherine B. Aguon, Executive Director, Chamorro Heritage Institute (written testimony submitted also):

Dr. Katherine Aguon spoke in favor of Bill 673 for the reason that there are a lot of things that the people of Guam can do with this registry. First of all, the bill would prepare the way for the Chamorro vote on self-determination which had been denied the Chamorro people since the arrival of the Spanish. Dr. Aguon felt that the self-determination vote would be an expression of Chamorro peoplehood.

Dr. Aguon also stated that the registry would help supplement current census data as well as assist in tracing the genealogies of our people. The Chamorro Registry would provide the resource for researchers who wanted

to further their research and the publication of information regarding the Chamorro heritage.

Dr. Aguon recommended that family nicknames be included in this registry, and she urged quick passage for the bill. Once Bill 673 is passed, she warned, there will be a lot of Chamorros coming to register. There are a lot of people with non-Chamorro names who would be glad for the Registry.

In closing, Dr. Aguon stated that, if not for the purpose of voting, the Chamorro Heritage Institute could include the Registry as part of its tasks and functions. The Institute is only in the planning group stage now, but Dr. Aguon feels that the Institute would definitely be able to use the Registry extensively as part of its research. Also, she commented, putting the Registry at the Chamorro Heritage Institute would be less political; the Guam Election Commission could get information from the Institute whenever necessary, and the cost would be minimal because the Institute already exists on its own income.

5) Mr. Ed Benavente, Nasion Chamoru:

Mr. Ed Benavente, speaking on behalf of Nasion Chamoru, expressed full support for Bill 673, claiming that it was indeed an issue for the Chamorro people. Mr. Benavente, however, commented that he and his organization were frustrated by how issues concerning the Chamorro people are settled and decided in the Legislature. He claimed that the Nasion Chamoru lobbies on behalf of bills directly affecting the Chamorro people, whether the people involved are poor or rich. Mr. Benavente hoped that the senators in the Legislature would do the same by not having their decisions dictated by a silent majority but by taking into account the support and activism of Chamorros who take the time to come to the Legislature to express support for passage of certain bills.

Mr. Benavente addressed the common interest between his organization and the Chair of the Committee which he described as an innately-born spirit of activism. He stated that his activist nature brought him to testify at this public hearing. Mr. Benavente also called for any opposition to the bill, commenting that he was unsure whether or not the

opposition would come later when Bill 673 was in committee or on the floor of the Legislature.

Mr. Benavente concluded by letting the Committee know that Bill 673 was no problem at all to the members of Nasion Chamoru. He added that non-Chamorros should not have a problem with the bill because if this particular Registry were for the purpose of war reparations, for example, that non-Chamorro had no part in that request for reparations. Mr. Benavente urged passage of Bill 673.

6) Ms. Rosario San Nicolas Cave, Member of Nasion Chamoru:

Ms. Rosario San Nicolas Cave expressed her support for Bill 673.

7) Ms. Judy Jackson, Member of Nasion Chamoru:

Ms. Judy Jackson expressed one hundred percent support for Bill 673. Ms. Jackson commented that it was about time that the Legislature felt the pain of the Chamorro people. The Registry would be a way for her, she felt, to be able to say "Yes, I am Chamorro, and I have a culture."

8) Ms. Sarah Thomas-Nededog, Deputy Director, Guam Association of Retired Persons (on behalf of Mr. Segundo Aguon, Director, written testimony submitted also):

Ms. Sarah Thomas-Nededog, speaking for Ms. Ann San Nicolas, Administrative Secretary, and Mr. Segundo Aguon, Director, read a formal letter of support for Bill 673. Ms. Thomas-Nededog commented that the bill may seem like a hasty prelude to the Guam Commonwealth Act, but Guam needed to go ahead and do it immediately. She believed that the registration would be a long and tedious process.

Ms. Thomas-Nededog stated that the consistency of Bill 673 with the Guam Commonwealth Act is commendable, but the author might also look into how the bill could be tied to the Land Trust Act and to the Chamorro Heritage Institute. She commented that it was no coincidence that Dr. Katherine Aguon was there to testify as to the ways in which the Chamorro

Heritage Institute could be involved. Ms. Thomas-Nededog urged quick passage of Bill 673.

9) Ms. Ramona Castro, Member of Nasion Chamorro:

Ms. Ramona Castro expressed her support of Bill 673. She saluted the authors, Senators Hope Cristobal and Joe T. San Agustin. She stated that it was very important that the Bill 673 be passed.

Written Testimony

- 1) Letter from Mr. Segundo Aguon, Director, Guam Association of Retired Persons, Inc., dated August 2, 1996. In support of Bill 673.**
- 2) Letter from Ms. Mary Ann Salas Taijito, Director, Kumision i Fino' Chamorro. In support of Bill 673.**
- 3) Letter from Mr. Henry A. Torres, Executive Director, Guam Election Commission, dated July 31, 1996. No official position of the Election Commission on Bill 673 pending discussion of the bill in the Commission's Board of Director's regularly scheduled meeting, August 8, 1996.**
- 4) Letter from Governor Carl T.C. Gutierrez, Chairman, Commission on Self-Determination. Bill 673 is consistent with the actions pursuant to Section 102(a) of the Guam Draft Commonwealth Act. The Commission has no formal position and would encourage the submission of Bill 673 for discussion at the next Commission meeting.**
- 5) Letter from Mr. Paul J. Bordallo, Member of the Public. In support of Bill 673. Bill 673 would assist in bringing in more federal programs to assist the Chamorro people of Guam.**

GovGuam Association of Retired Persons, Inc.

Servicio Para I ManAmko

P.O. Box 3057 • Agana, GU 96910

Tel: (671) 477-9014 472-7981/2 472-6632 • Fax: (671) 477-9015



August 2, 1996

Honorable Hope Alvarez Cristobal
Chairperson
Committee on Federal and Foreign Affairs
23rd Guam Legislature
155 Hesler
Agana, Guam

Dear Chairperson Cristobal:

This is a formal letter supporting the passage of **Bill 673 - "An Act to Establish the Chamorro Registry."**

Although this bill may appear to be a hasty prelude to the Guam Commonwealth Act, it seems that it would be beneficial to our people that a registry of this magnitude be initiated now. We perceive that the registration of all those who are defined as Chamorro will be a long and tedious process.

Bill 673's apparent consistency with the Commonwealth Draft Act is commendable, however, its relationship and possible use with the Chamorro Land Trust Commission and the recently established Chamorro Heritage Institute is unclear. Your committee may want to give the potential relationships a closer look to assess feasibility and appropriateness.

We thank you for this opportunity to give testimony on this important bill and hope for its affirmative and expeditious passage.

With best regards,


SEGUNDO AGUON
Director



Kumision I Fino' Chamorro

Chamorro Language Commission

Guma' 101/103 Chalan H yan Talo'

As Tiyan, Guåhan 96921

Tilifon: 475-0226/7 Faks: 477-5565



Mary Ann S. Taijito-Ge'helo'

William M. Paulino - Sigundo Ge'helo'

Anna Marie B. Sablan - Direktora

Buenas dihas yan Håfa Adai, Sinadora Hope Cristobal yan i membron i Kumeteha siha,

Guahu si Mary Ann Salas Taijito, Ge'helo' i Kumision i Fino' Chamorro yan un Chamorro mismo. Despensa yu' sa' ti siña yu' måtto para bai testigu gi me'nan miyu, lao di kåda ogga'an Lunes, Metkoles yan Betnes humåhanao yu' para i espitat. Lao infin, estague i testigu-hu.

Hunggan hu gof apreba este i "Bill 673" ni' para u ma estaplesi un rihestråson para i ManChamorro. Meggai na adilånto para u nina'huyong nu este yanggen ma cho'gue magåhet. Meggai umå'alok na esta ti manmeggagai hit na råsan taotao. Yanggen ma påssa este na lai siempre ta tungo' magåhet kao esta para ta fan ma funas guini gi tano'. Gi magåhet, ilek-hu na mentras ha guaguaha maseha unu ha' na Chamorro tumohtohge ni'ngai'an na ta fan ma funas.

Maolek este lokkue sa kosaki siña ta tungo' håyi siha manfamilia. Esta kalan mana'achago' i familia ya ti mana'atungo' hit. Yanggen ma cho'gue este siña ta'lo mannina'mås manatungo' i taotao yan manaki'ot.

Meggai mås ta'lo na adilånto lao esta un sångan ha' gi halom i "Bill" ya para hafa ta'lo bai hu ripiti.

Pues, ta'lo, hunggan hu apreba este i "Bill 673", ya ohalara mohon ya u ma påssa.

Biba Guahan! Biba Chamorro!

Si Yu'os Ma'åse'

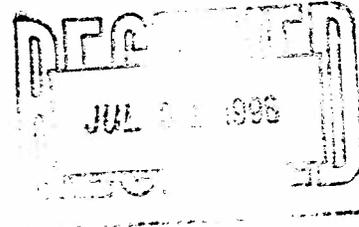
Si Mary Ann Salas Taijito

Membro Siha: Si Ana B. Garcia, Josefina P. Barcinas, Eddie L.G. Benavente, Illuminada S. Perez, Robert N. Castro, John R. Aguon yan si Rose Dumdum



GUAM ELECTION COMMISSION
Kumision Ileksion Guahan
Territory of Guam

P.O. Box BG • Agana, Guam 96910



July 31, 1996

The Honorable Hope A. Cristobal
Chairperson, Committee on Federal
and Foreign Affairs
Twenty-Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Senator Cristobal:

Thank you for the invitation to attend a Public Hearing scheduled for Friday, August 2, 1996 at 9:30 a.m. for Bill No. 673.

The Commission's Board of Directors will hold its regular scheduled meeting on Thursday, August 8, 1996 at 12:00 noon at which time we will inform your Committee of any action taken on the aforementioned bill.

At this time, the Commission is not taking any position on the bill due to its standing Board Policy not to comment on the merits or demerits of any legislation.

I will be available for any questions you may have.

Respectfully,

HENRY A. TORRES
Executive Director



Government of Guam
 Adelup Complex
 P.O. Box 2950
 Agana, Guam 96910
 Tel: (671) 472-2829/04
 Fax: (671) 477-4826

Governor
 Carl T.C. Gutierrez
 Chairman

Presiding Judge
 Alberto C. Lamorena, III
 Superior Court of Guam

Senator
 Francis E. Santos
 Guam Legislature

Senator
 Hope A. Cristobal
 Guam Legislature

Senator
 Mark Forbes
 Guam Legislature

Mayor
 Francisco N. Lizama
 Mayors' Council
 Representative

Attorney David Lujan
 Public Member

Jose R. Duenas
 Public Member

Speaker
 Rory J. Respicio
 Guam Youth Congress

Leland R. Bettis
 Executive Director

Commission On Self-Determination Kumision Dinitetminan-Maisa

Senator Hope A. Cristobal
 Member, Guam Commission on Self-Determination
 155 Hesler Street
 Agana, Guam 96910

Dear Senator Cristobal:

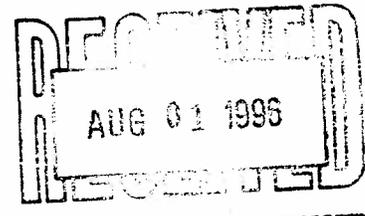
Thank you for your letter of invitation to the Commission on Self-Determination's Executive Director to submit testimony on Bill 673 and Resolution 434. As you are aware, the Executive Director is still in Washington D.C. continuing the work of the Commission on Guam's draft Commonwealth Act.

Clearly, Bill 673 is generally consistent with the actions which Guam may officially take pursuant to the adoption of Section 102 (a) ("Chamorro Self-Determination") of the draft Commonwealth Act by the U.S. Congress and the people of Guam. However, as you are aware, the Commission has not taken any formal action on the proposed measure, and thus, in addition to its public hearing, I would encourage its being submitted as an item for discussion at the next regular meeting of the Commission.

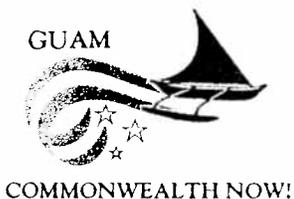
Resolution 434 is expressly consistent with the language of Section 1102 ("Equal Finance with States") of Guam's draft Commonwealth Act as adopted by the people of Guam in 1987 plebiscites. In this regard, the Legislature's reaffirmation of the intent of Section 1102 is appreciated and encouraged.

Sincerely,


 Governor Carl T. C. Gutierrez
 Chair
 Commission on Self-Determination



cc: Members, CSD



Paul J. Bordallo
P. O. Box 3177
Agana, Guam 96932
August 2, 1996

Senator Hope A. Cristobal
23rd Guam Legislature
Chairperson, Committee on Federal & Foreign Affairs

Testimony of Paul Bordallo on Bill 673

Dear Madame Chair,

Due to illness I am unable to appear for this hearing, however I wish to express my full support for Bill 673, an act to establish the Chamorro registry.

It is known to me that there are numerous federal programs to assist indigenous peoples of the United States to foster their economic, social and cultural development. Certainly the creation of this Chamorro registry would greatly contribute to the extension of these federal ^{PROGRAMS. I.P.} to the indigenous people of Guam, the Chamorros.

Si Yu'us Ma'ase,


Paul J. Bordallo

Committee Findings

The intent of Bill 673 is to recognize and memorialize the Chamorro people who have persisted over three hundred years of colonial occupation by Spain, the United States, and Japan. Bill 673 will serve as a mechanism to record the progress and identity of the Chamorro people of Guam and may also be used for historical, ethnological, and genealogical purposes. Ultimately, Bill 673 will be instrumental in providing the list of people eligible to participate in the future act of Chamorro self-determination.

The Committee on Federal and Foreign Affairs finds that there is unanimous and heartfelt support for Bill 673 among the people who came before the Committee to testify. The Committee has taken into consideration the suggestions made by Attorney Michael Phillips and Dr. Katherine Aguon and has made changes resulting in a substitute Bill 673 by the Committee.

Committee Recommendation

The Committee on Federal and Foreign Affairs, in view of the testimony presented at the Public Hearing on Bill 673, hereby submits Bill 673 as substituted by Committee and strongly recommends a vote to **DO PASS**.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 673 Date Received: August 1, 1996
 Amendatory Bill: Yes Date Reviewed: August 9, 1996

Department/Agency Affected: Guam Election Commission
 Department/Agency Head: Henry Torres
 Total FY Appropriation to Date: \$624,448

Bill Title (preamble): AN ACT TO ESTABLISH THE CHAMORRO REGISTRY.

Change in Law: Adds a new chapter 20 to Title 3, GCA, relative to establishing the Chamorro Registry.

Bill's Impact on Present Program Funding:
 Increase _____ Decrease _____ Reallocation _____ No Change XXX

Bill is for:
 Operations XXX Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? 1/ -- IF NO, AMOUNT REQUIRED \$00,000

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

ANALYST [Signature] DATE 8/14/96 DIRECTOR [Signature] DATE AUG 22 1996
 Joseph E. Rivera, Acting

FOOTNOTES: See attached

Bill Number 673 seeks to add a new Chapter 20 to Title 3 of the Guam Code Annotated, relative to establishing the Chamorro Registry. The passage of this Bill will pose a fiscal impact on the General Fund, as well as the department affected. Per the Guam Election Commission, an estimated \$90,000 is needed for the implementation of this bill. Funds are needed for Personnel, Advertising, Equipment, Stipends, Travel (Training), Contractual and Capital Outlay. Revenue collected from the issuance of the Chamorro Registry will not be sufficient to cover costs associated with the implementation of this Bill.



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910

June 21, 1996

MEMORANDUM

TO: Chairman, Committee on Federal and Foreign Affairs

FROM: Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 673

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting.

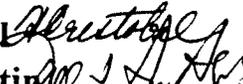
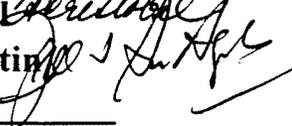


SONNY LUJAN ORSINI

Attachment:

TWENTY-THIRD GUAM LEGISLATURE
1996 (Second) Regular Session

Bill No. 673
Introduced by:

H.A. Cristobal 
J.T. San Agustin 

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Statement of Intent. The Guam Legislature recognizes that the indigenous Chamorro people of Guam have suffered yet persisted as a population with a distinct language and culture through over three hundred years of colonial occupation by Spain, the United States of America, and Japan. During this period, Chamorros have survived through war, famine, disease, and cultural repression brought about by the Chamorro-Spanish Wars from 1668 to 1685; Spanish occupation until the Spanish-American War of 1898; the arrival of the Americans after the Treaty of Peace between the United States of America and Spain; and the Japanese occupation of Guam during World War II from 1941 to 1944.

The Legislature also finds that, during their respective periods of occupation, the Spanish, American, and Japanese governments conducted islandwide census to identify and verify the number of indigenous Chamorros living on Guam. These census serve as historical documentation of the survival of Chamorros through war, foreign occupation, and peace, and they have been useful as genealogical tools to help identify these survivors and trace their descendants. The Legislature recognizes its responsibility of establishing a mechanism that will function similarly in taking historical record of the progress and identity of the indigenous Chamorro people of Guam. Such a mechanism may then be used for historical, ethnological, and genealogical purposes as well as for the future exercise of self-determination by the indigenous Chamorro people of Guam.

The Guam Legislature, in fulfilling its responsibility, endeavors to memorialize the indigenous Chamorro people by establishing a registry of the names of those Chamorro individuals, families, and their descendants who have survived over three hundred years of colonial occupation and who continue to

1 develop as one Chamorro people on their homeland, Guam. This registry shall
 2 serve as a tool to help educate Chamorros about their status as an indigenous
 3 people and the inalienable right of self-determination which they possess, a right
 4 recognized and promoted by Article 1 and Article 55 of the United Nations
 5 Charter in support of "friendly relations among nations based on respect for the
 6 principle of equal rights and self-determination of peoples." The registry shall
 7 also reiterate the obligation of the United States of America to the indigenous
 8 people of Guam, under Article 73 of the United Nations Charter, which calls for
 9 all member nations to assist the people of the non-self-governing territories "to
 10 develop self-government, to take due account of the political aspirations of the
 11 peoples, and to assist them in the progressive development of their free political
 12 institutions."

13 The Guam Legislature finds this registry to be consistent with the Guam
 14 Commonwealth Draft Act, each section of which was democratically approved by
 15 the people of Guam and which explicitly recognizes the Chamorro people's right
 16 of self-determination. The Legislature intends for this registry to assist in the
 17 process of heightening local awareness among the people of Guam of the current
 18 struggle for Commonwealth, of the identity of the indigenous Chamorro people of
 19 Guam, and of the role that Chamorros and their succeeding generations play in the
 20 island's cultural survival and in Guam's political evolution towards self-
 21 government.

22

23 **Section 2. The Chamorro Registry.** A new Chapter 20 is hereby added to Title
 24 3, Guam Code Annotated, to read:

25

26

27

28

**"CHAPTER 20
 THE CHAMORRO REGISTRY**

29

Section 20001. Definitions.

30

Section 20002. Persons Entitled to Register or Be Registered.

31

Section 20003. Affidavit of Registration.

32

Section 20004. Same: Minors.

33

Section 20005. Same: Off-Island Chamorros.

34

Section 20006. Same: Same: Minors.

35

Section 20007. Times for Registration.

36

Section 20008. Place of Registration.

1	Section 20009.	Unlawful Registration as a Crime.
2	Section 20010.	Permanence of Records.
3	Section 20011.	Grounds for Cancellation of Registration.
4	Section 20012.	Qualifications of Registration Clerks for the
5		Chamorro Registry.
6	Section 20013.	Compensation for Registration Clerks.
7	Section 20014.	Registration Clerks Empowered to Take Affidavits.
8	Section 20015.	Registration Clerks Not to Charge Fees.
9	Section 20016.	Return of Documents by Registration Clerks.
10	Section 20017.	Penalties for Acts of Omissions.
11	Section 20018.	Reports to the Attorney General.
12	Section 20019.	Costs to Registration Clerks.
13	Section 20020.	Certified Copy of Registration as Evidence.
14	Section 20021.	Cancellation of Registration.
15	Section 20022.	Report of Deaths.
16	Section 20023.	Action to Compel Registration.
17	Section 20024.	Action to Compel Cancellation.
18	Section 20025.	Preservation of Registration Affidavits.
19	Section 20026.	Index of Registrations.
20	Section 20027.	Copies of Index to Candidates.
21	Section 20028.	Establishment of Chamorro Registry Advisory
22		Board: Composition; Removal of Members;
23		Chairperson; Quorum.
24	Section 20029.	Same: Ex-officio and Nonvoting Members.
25	Section 20030.	Same: Duties and Responsibilities
26	Section 20031.	Same: Same: Provision of Forms.
27	Section 20032.	Same: Same: Informational Brochures.
28	Section 20033.	Same: Powers of the Advisory Board.

29
30 **Section 20001. Definitions.** For the purposes of this Title:

31
32 (a) **Chamorro** means those persons defined by the U.S. Congress in
33 Section IV of the Organic Act of Guam (Act of August 1, 1950, 64 Stat. 384),
34 pursuant to Article IX of the Treaty of Peace between the United States and Spain
35 (signed in Paris, December 10, 1898, and proclaimed April 11, 1899), and their
36 descendants:

1
2 1) All inhabitants of the island of Guam on April 11, 1899,
3 including those temporarily absent from the island on that date, who were
4 Spanish subjects, who after that date continued to reside in Guam or other
5 territory over which the United States exercises sovereignty, and have taken
6 no affirmative steps to preserve or acquire foreign nationality; and
7

8 2) All persons born in the island of Guam, who resided in
9 Guam on April 11, 1899, including those temporarily absent from the island
10 on that date, who after that date continued to reside in Guam or other
11 territory over which the United States exercises sovereignty, and who have
12 taken no affirmative steps to preserve or acquire foreign nationality.
13

14 (b) **Descendant** means a person who has proceeded by birth, such as a
15 child or grandchild, to the remotest degree, from any Chamorro as
16 defined above and who is considered placed in a line of succession
17 from such ancestor where such succession is by virtue of blood-
18 relations.
19

20 (c) **The Chamorro Registry** means the index of names established by
21 the Guam Election Commission for the purposes of registering and
22 recording the names of Chamorros.
23

24 (d) **The Commission** means the Guam Election Commission.
25

26 (e) **The Board** means the Chamorro Registry Advisory Board
27 established under the Guam Election Commission for the purposes of
28 guiding the establishment, administration, and maintenance of the
29 Chamorro Registry.
30

31 **Section 20002. Persons Entitled to Register or be Registered.** Every
32 person who is a citizen of the United States, who was born on Guam on or
33 before 1 August 1950, or who is descended from a person born on Guam
34 prior to that same date, and who complies with the provisions of this Title
35 concerning the registration of Chamorros, is entitled to register or, in the
36 case of minors, be registered with the Chamorro Registry.

1
2 **Section 20003. Affidavit of Registration.** No person shall be registered
3 with the Chamorro Registry except by affidavit of registration made before
4 the registration clerk of the district or municipality wherein such person
5 resides, or before a registration clerk in the office of the Commission. The
6 Commission shall prepare forms for the collection of data pertaining to
7 registration eligibility and residency. The Commission shall also require
8 the submission of such additional information and proper documentation as
9 will enable it to comply with this and the previous Section. The affidavit
10 shall then be made in duplicate and shall set forth all the facts required to be
11 set forth by this Title. Any change of residency must be reported to the
12 Commission within thirty (30) days of such change.
13

14 **Section 20004. Same: Minors.** Individuals below the age of eighteen (18)
15 years, who are eligible under Section 20002 of this Chapter to be registered
16 with the Chamorro Registry, must be registered by a parent or legal
17 guardian. Such parent or guardian must register such minor by affidavit of
18 registration made before the registration of the district or municipality
19 wherein such minor resides, or before a registration clerk in the office of the
20 Commission. The Commission shall also require the submission of such
21 additional information and proper documentation as will enable it to verify
22 the relationship between parent/guardian and said minor and to comply with
23 this Section and Section 20002 of this Chapter. Any change of residency
24 must be reported to the Commission within thirty (30) days of such change.
25

26 **Section 20005. Same: Off-island Chamorros.** Persons, who are eligible
27 under Section 20002 of this Chapter to register with the Chamorro Registry,
28 but who are not on Guam at such time as they intend to register, may
29 complete and submit, via certified mail, a notarized affidavit of registration
30 to the Commission. The Commission shall also require from such persons
31 the submission of such additional information and proper documentation as
32 will enable it to comply with this Section and Section 20002 of this Chapter.
33 Any change of residency must be reported to the Commission within thirty
34 (30) days of such change.
35

1 **Section 20006. Same: Same: Minors.** Individuals below the age of
2 eighteen (18) years, who are eligible under Section 20002 of this Chapter to
3 register with the Chamorro Registry, but who are not on Guam at such time
4 as they are to be registered., may be registered by a parent or legal guardian
5 who shall complete and submit, via certified mail, a notarized affidavit of
6 registration to the Commission on behalf of said minor. The Commission
7 shall require from such parent/guardian the submission of such additional
8 information and proper documentation as will enable it to comply with this
9 Section and Section 20002 of this Chapter. Any change of residency must
10 be reported to the Commission within thirty (30) days of such change.
11

12 **Section 20007. Times for Registration.** A person may register with the
13 Chamorro Registry at any time during the year except at such times when
14 the Commission shall close the registration rolls for the purposes of
15 conducting elections or plebiscites. At such time, the registration rolls
16 shall be closed ten (10) days prior to such election or plebiscite.
17

18 **Section 20008. Place of Registration.** Registration for Chamorros with
19 the Chamorro Registry shall be in progress at the main office of the
20 Commission during such hours as the office is open for business, prior to
21 any closing of the registration rolls. Upon enactment of this Act, the
22 Commission shall deputize as many volunteers to serve as registration
23 clerks in each of the villages, for a period of three (3) months after the date
24 of enactment, as is necessary for the purposes of registering eligible persons
25 with the Chamorro Registry. Such registration shall take place at each
26 mayor's office or any other place within the village designated by the
27 Commission. Chamorros shall also be able to register with the Chamorro
28 Registry at such times and places within the Territory as the Commission
29 shall deem advisable and convenient, and the Commission shall deputize
30 volunteers for such purposes as well.
31

32 **Section 20009. Unlawful Registration as a Crime.** Any person who
33 willfully causes, procures, or allows himself or any person to be registered
34 with the Chamorro Registry, knowing himself or that other person not to be
35 entitled to registration, is guilty of a misdemeanor.
36

1 **Section 20010. Permanence of Records.** The registration of a Chamorro
2 is permanent for all purposes during his life, unless and until the affidavit of
3 registration is canceled by the Commission for any of the causes specified
4 in Section 20011 of this Chapter.

5 It shall be the duty of the Commission to send to each registered
6 Chamorro a card indicating that such person has been registered with the
7 Chamorro Registry.
8

9 **Section 20011. Grounds for Cancellation of Registration.** The
10 Commission shall cancel the registration of any individual in the following
11 cases only:

12 (a) At the request of the person registered.

13 (b) Upon the production of a certified copy of a judgment from the
14 Court directing the cancellation to be made.
15

16 **Section 20012. Qualifications of Registration Clerks for the Chamorro**
17 **Registry.** The Commission may appoint any qualified electors as
18 registration clerks. No person holding an elective office or who is a
19 candidate for elective office shall be appointed as a registration clerk. A
20 registration clerk must be an elector of the precinct wherein appointed but
21 may register individuals with the Chamorro Registry who are from precincts
22 other than the precinct of such clerk. Under no circumstances may such a
23 volunteer clerk deny registration to a person eligible to register or be
24 registered with the Chamorro Registry.
25

26 **Section 20013. Compensation for Registration Clerks.** Section 3111,
27 Chapter 3, Title 3, applies.
28

29 **Section 20014. Registration Clerks Empowered to Take Affidavits.**
30 Section 3112, Chapter 3, Title 3, applies.
31

32 **Section 20015. Registration Clerks Not to Charge Fees.** Section 3113,
33 Chapter 3, Title 3, applies.
34

35 **Section 20016. Return of Documents by Registration Clerks.** All
36 registration clerks shall return all affidavits of registration and all books or

1 pads in their possession containing stubs, spoiled affidavits, or unused
2 affidavit blanks to the Commission which shall file the original and copy of
3 each affidavit separately in securely locked cabinets. The timetable for
4 submission of documents by registration clerks and the organization of
5 affidavits shall be determined by the Commission. The original affidavit of
6 registration shall be kept, at all times, in the office of the Commission. The
7 duplicates shall be bound in suitable book form.

8
9 **Section 20017. Penalties for Acts or Omissions.** Any person having
10 charge of affidavits of registration is guilty of a misdemeanor who:

- 11 (a) Neglects or refuses to make all the entries provided for in this
12 Title; or
13 (b) Fails or neglects to comply with any provision of this Chapter.
14

15 **Section 20018. Reports to the Attorney General.** The Commission shall
16 report to the Attorney General of Guam, under oath, the names of any
17 registration clerk who has not complied with the provisions of this Chapter.
18

19 **Section 20019. Costs to Registration Clerks.** Section 3118 of Chapter 3,
20 Title 3, applies.
21

22 **Section 20020. Certified Copy of Registration as Evidence.** Section
23 3119, Chapter 3, Title 3, applies.
24

25 **Section 20021. Cancellation of Registration.** Cancellation is made by
26 writing or stamping on the affidavit of registration the word "canceled," the
27 reason therefore, the signature of the canceling official, and the date of
28 cancellation. All canceled original affidavits shall be preserved by the
29 Commission until the first day of January of the next odd-numbered year.
30

31 **Section 20022. Report of Deaths.** Section 3123 of Chapter 3, Title 3,
32 applies.
33

34 **Section 20023. Action to Compel Registration.** If a registration clerk
35 refuses to register any person eligible to register with the Chamorro
36 Registry, such person may appeal such refusal to the Commission, and if the

1 Commission upholds or affirms the ruling of the registration clerk, such
2 person may proceed by action in the Superior Court to compel his
3 registration. In an action under this Section, as many persons may join as
4 plaintiffs, as have causes of action.

5
6 **Section 20024. Action to Compel Cancellation.** Any person may proceed
7 by action in the Superior Court to compel the Commission to cancel any
8 registration made illegally, or which should be canceled by reason of facts
9 that have occurred subsequent to the registration. If the person whose
10 registration is sought to be canceled is not a party to the action, the Court
11 may order him to be made a party defendant. The Commission, and as
12 many persons as there are causes of action against, may be joined as
13 defendants.

14
15 **Section 20025. Preservation of Registration Affidavits.** The
16 Commission shall preserve all uncanceled affidavits of registration, and the
17 canceled duplicates, made for the purpose of procuring registration. The
18 affidavits of registration shall constitute the Chamorro registry required to
19 be kept by the provisions of this Chapter.

20
21 **Section 20026. Index of Registrations.** The Commission shall prepare an
22 index of the Chamorro Registry and provide sufficient copies thereof.

23
24 **Section 20027. Copies of Index to Candidates.** Upon written demand of
25 any candidate in any forthcoming election or upon written demand of his
26 campaign committee, the Commission shall furnish to him one (1) copy of
27 the index of the Chamorro Registry at a charge prescribed by the
28 Commission. All moneys so collected shall be covered into the Treasury of
29 the Government of Guam.

30
31 **Section 20028. Establishment of Chamorro Registry Advisory Board:**
32 **Composition; Removal of Members; Chairperson; Quorum.** There is
33 hereby established a Chamorro Registry Advisory Board with the following
34 provisions:
35

- 1 (a) There is within the government of Guam and under authority of the
2 Guam Election Commission the Chamorro Registry Advisory Board.
3 The Board shall consist of five (5) members, all of whom shall be
4 eligible voters on the date of their appointment. The Governor shall
5 appoint four (4) members from recommendations made by the
6 recognized political parties of the Territory. Each of the recognized
7 political parties shall recommend an equal number of names to the
8 Governor and the four (4) members appointed by the Governor shall
9 be appointed so that the recognized political parties are equally
10 represented. One (1) member shall be selected and appointed by the
11 four (4) members appointed by the Governor. The appointment of
12 the fifth member of the Board shall be concurred in by at least
13 three (3) members. The members shall serve for a term of two (2)
14 years. If a vacancy should occur on the Board, said vacancy shall be
15 filled for the remainder of the term only, and by the method originally
16 prescribed for its appointment. Every member of the Board who is
17 not in the service of the Government, for which he receives an annual
18 compensation, shall be paid Twenty-Five Dollars (\$25.00) for each
19 attendance of a meeting upon his duties.
20
- 21 (b) Any member may be removed for misconduct in office by a
22 resolution duly adopted by a vote of two-thirds of the members
23 elected to the Legislature.
24
- 25 (c) The Advisory Board shall annually elect one (1) of its members as
26 Chairperson. The Chairperson shall preside at all meetings of the
27 Board.
28
- 29 (d) A majority of the members of the Board shall constitute a quorum.
30 The vote of a majority of the Board shall be required to make any
31 action of the Board effective.
32

33 **Section 20029. Same: Ex-officio and Nonvoting Members.** The
34 executive director of the Election Commission, chairperson of the Election
35 Commission, executive director of the Commission on Self-Determination,
36 executive director of the Political Status Education Coordination

1 Commission, and the chairperson of the Committee on Federal and Foreign
2 Affairs of the Legislature shall serve as ex-officio members of the Board but
3 shall not be voting members thereof. The executive director of the Election
4 Commission shall also serve as the ex-officio secretary for the Board.
5

6 **Section 20030. Same: Duties and Responsibilities.** The Board shall have
7 direct and immediate supervision over the registration clerks designated in
8 accordance with this Chapter to perform duties relative to the establishment,
9 administration, and maintenance of the Chamorro registry. Where such
10 duties overlap with duties relative to the conduct of elections, the Board shall
11 make recommendations to the Commission relative to the supervision of said
12 clerks, and the Commission shall have the final decision-making authority.

13 The Board shall recommend to the Commission the suspension from
14 the performance of said duties any of said clerks who shall fail to comply
15 with its instructions, orders, decisions or rulings, and the appointment of
16 temporary substitutes. Upon the recommendation of the Commission, the
17 Governor may remove any and all clerks who shall be found guilty of
18 nonfeasance, or misfeasance in connection with the performance of their
19 duties relative to the Chamorro Registry.
20

21 **Section 20031. Same: Same: Provision of Forms.** It shall be the
22 responsibility of the Commission to provide all necessary forms as prescribed
23 by the Board for the establishment of the Chamorro Registry.
24

25 **Section 20032. Same: Same: Informational Brochures.** It shall be the
26 responsibility of the Board to prepare and promulgate informational
27 brochures providing basic information pertaining to the establishment of the
28 Chamorro Registry, eligibility requirements, guidelines for registration, and
29 any other such information as the Board should deem necessary for the
30 purposes of educating the general public. The content of the brochures shall
31 be subject to approval by the Commission and by the Governor. Such
32 brochures shall be made available at the main office of the Commission, from
33 registration clerks, and at other locations recommended by the Board and
34 approved by the Commission.
35

Introduced

**TWENTY-THIRD GUAM LEGISLATURE
1996 (Second) Regular Session**

JUL 08 1996

Bill No. 673(LS)
Introduced by:

H.A. Cristobal
J.T. San Agustin

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Statement of Intent. The Guam Legislature recognizes that the indigenous Chamorro people of Guam have suffered yet persisted as a population with a distinct language and culture through over three hundred years of colonial occupation by Spain, the United States of America, and Japan. During this period, Chamorros have survived through war, famine, disease, and cultural repression brought about by the Chamorro-Spanish Wars from 1668 to 1685; Spanish occupation until the Spanish-American War of 1898; the arrival of the Americans after the Treaty of Peace between the United States of America and Spain; and the Japanese occupation of Guam during World War II from 1941 to 1944.

The Legislature also finds that, during their respective periods of occupation, the Spanish, American, and Japanese governments conducted islandwide census to identify and verify the number of indigenous Chamorros living on Guam. These census serve as historical documentation of the survival of Chamorros through war, foreign occupation, and peace, and they have been useful as genealogical tools to help identify these survivors and trace their descendants. The Legislature recognizes its responsibility of establishing a mechanism that will function similarly in taking historical record of the progress and identity of the indigenous Chamorro people of Guam. Such a mechanism may then be used for historical, ethnological, and genealogical purposes as well as for the future exercise of self-determination by the indigenous Chamorro people of Guam.

The Guam Legislature, in fulfilling its responsibility, endeavors to memorialize the indigenous Chamorro people by establishing a registry of the names of those Chamorro individuals, families, and their descendants who have survived over three hundred years of colonial occupation and who continue to

1 develop as one Chamorro people on their homeland, Guam. This registry shall
 2 serve as a tool to help educate Chamorros about their status as an indigenous
 3 people and the inalienable right of self-determination which they possess, a right
 4 recognized and promoted by Article 1 and Article 55 of the United Nations
 5 Charter in support of “friendly relations among nations based on respect for the
 6 principle of equal rights and self-determination of peoples.” The registry shall
 7 also reiterate the obligation of the United States of America to the indigenous
 8 people of Guam, under Article 73 of the United Nations Charter, which calls for
 9 all member nations to assist the people of the non-self-governing territories “to
 10 develop self-government, to take due account of the political aspirations of the
 11 peoples, and to assist them in the progressive development of their free political
 12 institutions.”

13 The Guam Legislature finds this registry to be consistent with the Guam
 14 Commonwealth Draft Act, each section of which was democratically approved by
 15 the people of Guam and which explicitly recognizes the Chamorro people’s right
 16 of self-determination. The Legislature intends for this registry to assist in the
 17 process of heightening local awareness among the people of Guam of the current
 18 struggle for Commonwealth, of the identity of the indigenous Chamorro people of
 19 Guam, and of the role that Chamorros and their succeeding generations play in the
 20 island’s cultural survival and in Guam’s political evolution towards self-
 21 government.

22

23 **Section 2. The Chamorro Registry.** A new Chapter 20 is hereby added to Title
 24 3, Guam Code Annotated, to read:

25

26

27

28

**"CHAPTER 20
 THE CHAMORRO REGISTRY**

29

Section 20001. Definitions.

30

Section 20002. Persons Entitled to Register or Be Registered.

31

Section 20003. Affidavit of Registration.

32

Section 20004. Same: Minors.

33

Section 20005. Same: Off-Island Chamorros.

34

Section 20006. Same: Same: Minors.

35

Section 20007. Times for Registration.

36

Section 20008. Place of Registration.

1
2 1) All inhabitants of the island of Guam on April 11, 1899,
3 including those temporarily absent from the island on that date, who were
4 Spanish subjects, who after that date continued to reside in Guam or other
5 territory over which the United States exercises sovereignty, and have taken
6 no affirmative steps to preserve or acquire foreign nationality; and
7

8 2) All persons born in the island of Guam, who resided in
9 Guam on April 11, 1899, including those temporarily absent from the island
10 on that date, who after that date continued to reside in Guam or other
11 territory over which the United States exercises sovereignty, and who have
12 taken no affirmative steps to preserve or acquire foreign nationality.
13

14 (b) **Descendant** means a person who has proceeded by birth, such as a
15 child or grandchild, to the remotest degree, from any Chamorro as
16 defined above and who is considered placed in a line of succession
17 from such ancestor where such succession is by virtue of blood-
18 relations.
19

20 (c) **The Chamorro Registry** means the index of names established by
21 the Guam Election Commission for the purposes of registering and
22 recording the names of Chamorros.
23

24 (d) **The Commission** means the Guam Election Commission.
25

26 (e) **The Board** means the Chamorro Registry Advisory Board
27 established under the Guam Election Commission for the purposes of
28 guiding the establishment, administration, and maintenance of the
29 Chamorro Registry.
30

31 **Section 20002. Persons Entitled to Register or be Registered.** Every
32 person who is a citizen of the United States, who was born on Guam on or
33 before 1 August 1950, or who is descended from a person born on Guam
34 prior to that same date, and who complies with the provisions of this Title
35 concerning the registration of Chamorros, is entitled to register or, in the
36 case of minors, be registered with the Chamorro Registry.

1
2 **Section 20003. Affidavit of Registration.** No person shall be registered
3 with the Chamorro Registry except by affidavit of registration made before
4 the registration clerk of the district or municipality wherein such person
5 resides, or before a registration clerk in the office of the Commission. The
6 Commission shall prepare forms for the collection of data pertaining to
7 registration eligibility and residency. The Commission shall also require
8 the submission of such additional information and proper documentation as
9 will enable it to comply with this and the previous Section. The affidavit
10 shall then be made in duplicate and shall set forth all the facts required to be
11 set forth by this Title. Any change of residency must be reported to the
12 Commission within thirty (30) days of such change.

13
14 **Section 20004. Same: Minors.** Individuals below the age of eighteen (18)
15 years, who are eligible under Section 20002 of this Chapter to be registered
16 with the Chamorro Registry, must be registered by a parent or legal
17 guardian. Such parent or guardian must register such minor by affidavit of
18 registration made before the registration of the district or municipality
19 wherein such minor resides, or before a registration clerk in the office of the
20 Commission. The Commission shall also require the submission of such
21 additional information and proper documentation as will enable it to verify
22 the relationship between parent/guardian and said minor and to comply with
23 this Section and Section 20002 of this Chapter. Any change of residency
24 must be reported to the Commission within thirty (30) days of such change.

25
26 **Section 20005. Same: Off-island Chamorros.** Persons, who are eligible
27 under Section 20002 of this Chapter to register with the Chamorro Registry,
28 but who are not on Guam at such time as they intend to register, may
29 complete and submit, via certified mail, a notarized affidavit of registration
30 to the Commission. The Commission shall also require from such persons
31 the submission of such additional information and proper documentation as
32 will enable it to comply with this Section and Section 20002 of this Chapter.
33 Any change of residency must be reported to the Commission within thirty
34 (30) days of such change.
35

1 **Section 20006. Same: Same: Minors.** Individuals below the age of
2 eighteen (18) years, who are eligible under Section 20002 of this Chapter to
3 register with the Chamorro Registry, but who are not on Guam at such time
4 as they are to be registered., may be registered by a parent or legal guardian
5 who shall complete and submit, via certified mail, a notarized affidavit of
6 registration to the Commission on behalf of said minor. The Commission
7 shall require from such parent/guardian the submission of such additional
8 information and proper documentation as will enable it to comply with this
9 Section and Section 20002 of this Chapter. Any change of residency must
10 be reported to the Commission within thirty (30) days of such change.
11

12 **Section 20007. Times for Registration.** A person may register with the
13 Chamorro Registry at any time during the year except at such times when
14 the Commission shall close the registration rolls for the purposes of
15 conducting elections or plebiscites. At such time, the registration rolls
16 shall be closed ten (10) days prior to such election or plebiscite.
17

18 **Section 20008. Place of Registration.** Registration for Chamorros with
19 the Chamorro Registry shall be in progress at the main office of the
20 Commission during such hours as the office is open for business, prior to
21 any closing of the registration rolls. Upon enactment of this Act, the
22 Commission shall deputize as many volunteers to serve as registration
23 clerks in each of the villages, for a period of three (3) months after the date
24 of enactment, as is necessary for the purposes of registering eligible persons
25 with the Chamorro Registry. Such registration shall take place at each
26 mayor's office or any other place within the village designated by the
27 Commission. Chamorros shall also be able to register with the Chamorro
28 Registry at such times and places within the Territory as the Commission
29 shall deem advisable and convenient, and the Commission shall deputize
30 volunteers for such purposes as well.
31

32 **Section 20009. Unlawful Registration as a Crime.** Any person who
33 willfully causes, procures, or allows himself or any person to be registered
34 with the Chamorro Registry, knowing himself or that other person not to be
35 entitled to registration, is guilty of a misdemeanor.
36

1 **Section 20010. Permanence of Records.** The registration of a Chamorro
2 is permanent for all purposes during his life, unless and until the affidavit of
3 registration is canceled by the Commission for any of the causes specified
4 in Section 20011 of this Chapter.

5 It shall be the duty of the Commission to send to each registered
6 Chamorro a card indicating that such person has been registered with the
7 Chamorro Registry.

8
9 **Section 20011. Grounds for Cancellation of Registration.** The
10 Commission shall cancel the registration of any individual in the following
11 cases only:

- 12 (a) At the request of the person registered.
13 (b) Upon the production of a certified copy of a judgment from the
14 Court directing the cancellation to be made.

15
16 **Section 20012. Qualifications of Registration Clerks for the Chamorro**
17 **Registry.** The Commission may appoint any qualified electors as
18 registration clerks. No person holding an elective office or who is a
19 candidate for elective office shall be appointed as a registration clerk. A
20 registration clerk must be an elector of the precinct wherein appointed but
21 may register individuals with the Chamorro Registry who are from precincts
22 other than the precinct of such clerk. Under no circumstances may such a
23 volunteer clerk deny registration to a person eligible to register or be
24 registered with the Chamorro Registry.

25
26 **Section 20013. Compensation for Registration Clerks.** Section 3111,
27 Chapter 3, Title 3, applies.

28
29 **Section 20014. Registration Clerks Empowered to Take Affidavits.**
30 Section 3112, Chapter 3, Title 3, applies.

31
32 **Section 20015. Registration Clerks Not to Charge Fees.** Section 3113,
33 Chapter 3, Title 3, applies.

34
35 **Section 20016. Return of Documents by Registration Clerks.** All
36 registration clerks shall return all affidavits of registration and all books or

1 pads in their possession containing stubs, spoiled affidavits, or unused
2 affidavit blanks to the Commission which shall file the original and copy of
3 each affidavit separately in securely locked cabinets. The timetable for
4 submission of documents by registration clerks and the organization of
5 affidavits shall be determined by the Commission. The original affidavit of
6 registration shall be kept, at all times, in the office of the Commission. The
7 duplicates shall be bound in suitable book form.

8
9 **Section 20017. Penalties for Acts or Omissions.** Any person having
10 charge of affidavits of registration is guilty of a misdemeanor who:

- 11 (a) Neglects or refuses to make all the entries provided for in this
12 Title; or
13 (b) Fails or neglects to comply with any provision of this Chapter.
14

15 **Section 20018. Reports to the Attorney General.** The Commission shall
16 report to the Attorney General of Guam, under oath, the names of any
17 registration clerk who has not complied with the provisions of this Chapter.
18

19 **Section 20019. Costs to Registration Clerks.** Section 3118 of Chapter 3,
20 Title 3, applies.
21

22 **Section 20020. Certified Copy of Registration as Evidence.** Section
23 3119, Chapter 3, Title 3, applies.
24

25 **Section 20021. Cancellation of Registration.** Cancellation is made by
26 writing or stamping on the affidavit of registration the word "canceled," the
27 reason therefore, the signature of the canceling official, and the date of
28 cancellation. All canceled original affidavits shall be preserved by the
29 Commission until the first day of January of the next odd-numbered year.
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31 **Section 20022. Report of Deaths.** Section 3123 of Chapter 3, Title 3,
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34 **Section 20023. Action to Compel Registration.** If a registration clerk
35 refuses to register any person eligible to register with the Chamorro
36 Registry, such person may appeal such refusal to the Commission, and if the

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2 person may proceed by action in the Superior Court to compel his
3 registration. In an action under this Section, as many persons may join as
4 plaintiffs, as have causes of action.
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6 **Section 20024. Action to Compel Cancellation.** Any person may proceed
7 by action in the Superior Court to compel the Commission to cancel any
8 registration made illegally, or which should be canceled by reason of facts
9 that have occurred subsequent to the registration. If the person whose
10 registration is sought to be canceled is not a party to the action, the Court
11 may order him to be made a party defendant. The Commission, and as
12 many persons as there are causes of action against, may be joined as
13 defendants.
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15 **Section 20025. Preservation of Registration Affidavits.** The
16 Commission shall preserve all uncanceled affidavits of registration, and the
17 canceled duplicates, made for the purpose of procuring registration. The
18 affidavits of registration shall constitute the Chamorro registry required to
19 be kept by the provisions of this Chapter.
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21 **Section 20026. Index of Registrations.** The Commission shall prepare an
22 index of the Chamorro Registry and provide sufficient copies thereof.
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24 **Section 20027. Copies of Index to Candidates.** Upon written demand of
25 any candidate in any forthcoming election or upon written demand of his
26 campaign committee, the Commission shall furnish to him one (1) copy of
27 the index of the Chamorro Registry at a charge prescribed by the
28 Commission. All moneys so collected shall be covered into the Treasury of
29 the Government of Guam.
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31 **Section 20028. Establishment of Chamorro Registry Advisory Board:**
32 **Composition; Removal of Members; Chairperson; Quorum.** There is
33 hereby established a Chamorro Registry Advisory Board with the following
34 provisions:
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- 1 (a) There is within the government of Guam and under authority of the
2 Guam Election Commission the Chamorro Registry Advisory Board.
3 The Board shall consist of five (5) members, all of whom shall be
4 eligible voters on the date of their appointment. The Governor shall
5 appoint four (4) members from recommendations made by the
6 recognized political parties of the Territory. Each of the recognized
7 political parties shall recommend an equal number of names to the
8 Governor and the four (4) members appointed by the Governor shall
9 be appointed so that the recognized political parties are equally
10 represented. One (1) member shall be selected and appointed by the
11 four (4) members appointed by the Governor. The appointment of
12 the fifth member of the Board shall be concurred in by at least
13 three (3) members. The members shall serve for a term of two (2)
14 years. If a vacancy should occur on the Board, said vacancy shall be
15 filled for the remainder of the term only, and by the method originally
16 prescribed for its appointment. Every member of the Board who is
17 not in the service of the Government, for which he receives an annual
18 compensation, shall be paid Twenty-Five Dollars (\$25.00) for each
19 attendance of a meeting upon his duties.
20
- 21 (b) Any member may be removed for misconduct in office by a
22 resolution duly adopted by a vote of two-thirds of the members
23 elected to the Legislature.
24
- 25 (c) The Advisory Board shall annually elect one (1) of its members as
26 Chairperson. The Chairperson shall preside at all meetings of the
27 Board.
28
- 29 (d) A majority of the members of the Board shall constitute a quorum.
30 The vote of a majority of the Board shall be required to make any
31 action of the Board effective.
32

33 **Section 20029. Same: Ex-officio and Nonvoting Members.** The
34 executive director of the Election Commission, chairperson of the Election
35 Commission, executive director of the Commission on Self-Determination,
36 executive director of the Political Status Education Coordination

1 Commission, and the chairperson of the Committee on Federal and Foreign
2 Affairs of the Legislature shall serve as ex-officio members of the Board but
3 shall not be voting members thereof. The executive director of the Election
4 Commission shall also serve as the ex-officio secretary for the Board.
5

6 **Section 20030. Same: Duties and Responsibilities.** The Board shall have
7 direct and immediate supervision over the registration clerks designated in
8 accordance with this Chapter to perform duties relative to the establishment,
9 administration, and maintenance of the Chamorro registry. Where such
10 duties overlap with duties relative to the conduct of elections, the Board shall
11 make recommendations to the Commission relative to the supervision of said
12 clerks, and the Commission shall have the final decision-making authority.

13 The Board shall recommend to the Commission the suspension from
14 the performance of said duties any of said clerks who shall fail to comply
15 with its instructions, orders, decisions or rulings, and the appointment of
16 temporary substitutes. Upon the recommendation of the Commission, the
17 Governor may remove any and all clerks who shall be found guilty of
18 nonfeasance, or misfeasance in connection with the performance of their
19 duties relative to the Chamorro Registry.
20

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22 responsibility of the Commission to provide all necessary forms as prescribed
23 by the Board for the establishment of the Chamorro Registry.
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25 **Section 20032. Same: Same: Informational Brochures.** It shall be the
26 responsibility of the Board to prepare and promulgate informational
27 brochures providing basic information pertaining to the establishment of the
28 Chamorro Registry, eligibility requirements, guidelines for registration, and
29 any other such information as the Board should deem necessary for the
30 purposes of educating the general public. The content of the brochures shall
31 be subject to approval by the Commission and by the Governor. Such
32 brochures shall be made available at the main office of the Commission, from
33 registration clerks, and at other locations recommended by the Board and
34 approved by the Commission.
35

1 **Section 20033. Same: Powers of the Advisory Board.** The Board shall
2 have the power to summon the parties to a controversy pending before it,
3 issue *subpoenas duces tecum* and otherwise to take testimony in any
4 investigation or hearing pending before it and delegate such power to any
5 officer. Any controversy submitted to the Board shall be tried, heard, and
6 decided within fifteen (15) days counted from the time corresponding petition
7 giving rise to said controversy is filed. If either party wishes to appeal the
8 decision or ruling of the Board, appeal may be made to the Commission for
9 further consideration or hearing. The Board shall have the power to certify to
10 the Superior Court of Guam for contempt.”

11
12 **Section 3. Powers of Guam Election Commission.** A new Section 2108 is
13 added to Chapter 2 of Title 3, GCA, to read:

14
15 **“Section 2108. Same: The Chamorro Registry and Advisory Board.**
16 It shall be the responsibility of the Election Commission to administer the
17 Chamorro Registry with the advice of the Chamorro Registry Advisory
18 Board. It shall also be the duty of the Commission to consider for approval
19 the content of other informational brochures issued by the Board, with the
20 approval to be submitted for consideration by the Governor. When a
21 controversy is brought up and heard before the Board, the Commission shall
22 serve as an appellate board for any ruling rendered by the Board.”

23
24 **Section 4. Effective Date.** This Act shall become effective within ninety (90)
25 days of its enactment.