



Office of the Governor of Guam

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Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

30 JUN 2006

The Honorable Mark Forbes  
Speaker  
Mina' Bente Ocho Na Liheslaturan Guåhan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 82(EC), "AN ACT TO AMEND TITLE 1 G.C.A. §§ 1902 AND 1903 AND TITLE 5 G.C.A. §30101(b) TO STANDARDIZE THE ELECTORAL PROCESS FOR THE OFFICE OF THE PUBLIC AUDITOR AND THE ATTORNEY GENERAL AND TO REQUIRE A MAJORITY OF VOTES CAST FOR ELECTION TO SAID OFFICES AND TO PROVIDE FOR CANCELLATION OF UNNECESSARY PRIMARY ELECTIONS BY AMENDING TITTLE 3 G.C.A. §16108," which I signed into law on June 27, 2006, as **Public Law 28-128**.

Please note an omission in Section 4 of the legislation. "5" should be inserted before "Guam Code Annotated" to read "Section 30101(b) of Chapter 5, 5 Guam Code Annotated is hereby amended to read:"

Sins eru yan Magåhet,

FELIX P. CAMACHO  
I Maga'låhen Guåhan  
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo  
Senator and Legislative Secretary

Office of the Speaker  
MAY 2006  
Date: 6/30/06  
Time: 11:45/06  
Rec'd by: [Signature]  
Print Name: [Signature]  
28-06-0898

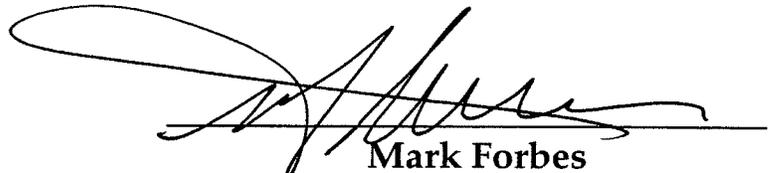
801

Senator Edward J.B. Calvo  
SECRETARY OF THE LEGISLATURE  
ACKNOWLEDGEMENT RECEIPT  
Rcv'd by: Nikole  
Print Name & Initial  
Time: 11:00  
Date: 7-10-06

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 82 (EC), "AN ACT TO AMEND TITLE 1 G.C.A. §§1902 AND 1903 AND TITLE 5 G.C.A. §30101(b) TO STANDARDIZE THE ELECTORAL PROCESS FOR THE OFFICE OF THE PUBLIC AUDITOR AND THE OFFICE OF THE ATTORNEY GENERAL AND TO REQUIRE A MAJORITY OF VOTES CAST FOR ELECTION TO SAID OFFICES AND TO PROVIDE FOR CANCELLATION OF UNNECESSARY PRIMARY ELECTIONS BY AMENDING TITLE 3 G.C.A. §16108," was on the 26<sup>th</sup> day of June, 2006, duly and regularly passed.

  
Mark Forbes  
Speaker

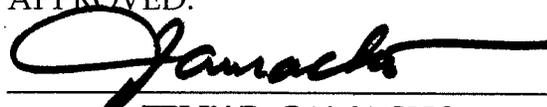
Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 26 day of June, 2006, at  
4:15 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 27 JUNE 2006

Public Law No. 28-128

***I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN***  
**2005 (FIRST) REGULAR SESSION**

**Bill No. 82 (EC)**

As substituted by the Committee  
on General & Omnibus Matters  
and further substituted and  
amended on the Floor.

Introduced by:

B. J.F. Cruz  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
Mike Cruz  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
J. A. Lujan  
A. B. Palacios, Sr.  
R. J. Respicio  
Ray Tenorio  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO AMEND TITLE 1 G.C.A. §§1902 AND 1903  
AND TITLE 5 G.C.A. §30101(b) TO STANDARDIZE  
THE ELECTORAL PROCESS FOR THE OFFICE OF  
THE PUBLIC AUDITOR AND THE OFFICE OF THE  
ATTORNEY GENERAL AND TO REQUIRE A  
MAJORITY OF VOTES CAST FOR ELECTION TO  
SAID OFFICES AND TO PROVIDE FOR  
CANCELLATION OF UNNECESSARY PRIMARY  
ELECTIONS BY AMENDING TITLE 3 G.C.A. §16108.**

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

2 **Section 1. Legislative Intent.** It is the intent of I *Liheslaturan*

1 *Guahan* to standardize the electoral, removal, and vacancy laws for the  
2 offices of the Public Auditor and the Attorney General and to require that a  
3 successful candidate receive a majority vote in the elections for those  
4 offices.

5 **Section 2.** Section 1902 of Chapter 19, Title 1 of the Guam Code  
6 Annotated is hereby *amended* to read:

7 “§1902. **Vacancy.** Whenever a vacancy shall occur in the  
8 Office of Public Auditor, and when there is more than six (6) months  
9 remaining in the term of the Public Auditor at the time the vacancy  
10 shall occur, the Guam Election Commission shall conduct a special  
11 election no more than ninety (90) days after such vacancy has  
12 occurred. Such person elected in the special election shall serve the  
13 balance of the term, until such time as a new Public Auditor is elected  
14 and sworn into office. Should a vacancy in the Office of Public  
15 Auditor occur with exactly six (6) months or less remaining in the  
16 balance of the Public Auditor's term, *I Maga'lahren Guåhan* shall  
17 appoint a qualified individual to fill the balance of the term, subject to  
18 the advice and consent of *I Liheslaturan Guåhan*.”

19 **Section 3.** Section 1903 of Chapter 19, Title 1 of the Guam Code  
20 Annotated is hereby *amended* to read:

21 “§1903. **Public Auditor Election.** The Public Auditor shall be  
22 elected by the voters of Guam in a General Election occurring at the  
23 same time as the General Election for Mayors. The Public Auditor  
24 shall serve a term of four (4) years. The Public Auditor is a non-  
25 partisan office. No candidate for the position of Public Auditor shall  
26 declare a political party affiliation. No candidate for the office of  
27 Public Auditor shall seek the endorsement or receive directly or

1 indirectly financial or material support from a political party. Any  
2 violation of the aforementioned shall cause the Guam Election  
3 Commission to invalidate the candidacy of the individual for Public  
4 Auditor. Candidates for Public Auditor shall be subject to the same  
5 campaign and personal financial reporting requirements as applied to  
6 candidates for *I Maga'lahaen Guåhan*, as well as all laws pertaining to  
7 campaign contributions. No nominating petition shall be required of a  
8 candidate for Public Auditor. A candidate for the position of Public  
9 Auditor shall file his candidacy with the Guam Election Commission  
10 in the manner similar to a candidate for *I Maga'lahaen Guåhan*, except  
11 as is not consistent with this Chapter. All qualified candidates  
12 complying with the provisions of this Chapter shall be placed on a  
13 separate ballot for the office of Public Auditor to be cast at the  
14 Primary Election. The two candidates who receive the most votes in  
15 the Primary Election shall be certified accordingly by the Election  
16 Commission and placed on a separate ballot for the General Election.  
17 In the General Election, the candidate receiving the most votes,  
18 subject to the qualifications established by this Chapter, shall be  
19 certified by the Guam Election Commission as having won election to  
20 the position of Public Auditor.”

21 **Section 4.** Section 30101(b) of Chapter 5, Guam Code Annotated is  
22 hereby *amended* to read:

23 “**§30101(b)** A candidate for the position of Attorney General of  
24 Guam shall declare no political party affiliation. Candidates for  
25 Attorney General of Guam shall be subject to the same campaign and  
26 personal financial reporting requirements as apply to candidates for *I*  
27 *Maga'lahaen Guåhan* [the Governor], as well as all laws pertaining to

1 campaign contributions. No nominating petition shall be required of a  
2 candidate for Attorney General of Guam. A candidate for the position  
3 of Attorney General of Guam shall file his candidacy with the Guam  
4 Election Commission in the manner similar to a candidate for *I*  
5 *Maga'lahaen Guåhan* [the Governor], except as is not consistent with  
6 this Section. All qualified candidates complying with the provisions of  
7 this Section shall be placed on a separate ballot for the office of  
8 Attorney General to be cast at the Primary Election. The two  
9 candidates who receive the most votes in the Primary Election shall be  
10 certified accordingly by the Election Commission and placed on a  
11 separate ballot for the General Election. In the General Election, the  
12 candidate receiving the most votes, subject to the qualifications  
13 established by this Chapter, shall be certified by the Guam Election  
14 Commission as having won election to the position of Attorney  
15 General. The Attorney General shall be sworn into and take office on  
16 the first Monday of the January following the General Election at  
17 which the Attorney General was elected and shall remain in office  
18 until the election and swearing in of a new Attorney General, unless  
19 removed from Office as provided for in this Section. The Attorney  
20 General shall:

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

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

24 (3) be an active member in good standing of the Guam  
25 Bar Association on Guam for at least five (5) years immediately  
26 preceding his or her candidacy for Office, or an inactive  
27 member of the Guam Bar Association who, in the five (5) years

1 preceding his election as an Attorney General has served as an  
2 elected official elected by the people of Guam or as a Public  
3 Auditor of Guam, or as a Justice of the Supreme Court of Guam  
4 or Judge of the Superior Court of Guam;

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

6 (5) not have been suspended from the practice of law in  
7 any jurisdiction for violation of ethical rules governing the  
8 practice of attorneys.”

9 **Section 5.** Title 3 G.C.A., Chapter 6, Section 6112 is hereby *amended*  
10 to read:

11 **“§6112. Filing and Distribution of Petitions.**

12 Notwithstanding any other provision of law, candidates for *I*  
13 *Liheslaturan Guåhan* [Guam Legislature], offices of *I Maga'lahren*  
14 *Guåhan* [Governor] and *I Segundu Na Maga'lahren Guåhan*  
15 [Lieutenant Governor], Washington Delegate, Mayor and Vice-  
16 Mayor, the Public Auditor and the Attorney General shall file their  
17 declarations of candidacy with the Commission no earlier than one  
18 hundred and thirty (130) days before the primary election, and no later  
19 than sixty (60) days before the primary election.

20 Notwithstanding any other provision of law, candidates for the  
21 Guam Education Policy Board, and the Consolidated Commission on  
22 Utilities shall file their declarations of candidacy with the  
23 Commission no earlier than one hundred and thirty (130) days and no  
24 later than sixty (60) days before the general election.

25 The Commission shall publish in a newspaper of general  
26 circulation the names of all candidates and the offices for which they  
27 have declared their candidacy after each filing deadline.”

1           **Section 6.** Title 3 G.C.A., Chapter 16, Section 16108 is hereby  
2 *amended* to read:

3                   **“§16108. Primary Elections Cancelled When Unnecessary.**

4                   (a) When the Commission determines that a political party that  
5 has qualified for placement on the primary ballot has:

6                           (i) the same or fewer number of candidates running for  
7 nomination to the Legislature than the number of senatorial seats  
8 allowed in law, it shall cancel such Primary Election for that party for  
9 the Legislature because of the lack of any contest; or

10                           (ii) Only one (1) set of candidates running for Governor  
11 or Lieutenant Governor, it shall cancel such primary election for that  
12 party for the gubernatorial team because of the lack of any contest; or

13                           (iii) Only one (1) candidate running for mayor or vice  
14 mayor in a particular municipal district, it shall cancel such primary  
15 election for that party for mayor or vice mayor because of the lack of  
16 any contest.

17                   (b) Certification of candidates. Following such cancellation, the  
18 Commission shall certify all candidates who qualified to appear on the  
19 ballots in such cancelled primary elections for placement on the  
20 general election ballot as candidates of their respective political  
21 parties for the general election. The drawing for placement of names  
22 on the ballots for the primary election, if undertaken, shall control the  
23 placement of names on the ballots for the general election.”

8:25 AM

6-28-06

Talked to Michele Duenas reference to Bill #82.  
Mentioned that it was given to the Legal Counsel  
Same day. ~~afternoon~~ after copies were made.

Received Rec n 6-26-06 (4:15pm. central file)

Rec. by Chris Charquelay - staff of the Legal  
Counsel.

Gov. office - 472-8921

central file - 475-9403

Legal Counsel - 475-9206

EAnew

**I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN**  
**2006 (SECOND) Regular Session**

Date: 6/26/06

**VOTING SHEET**

S Bill No. 82 (ec)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				✓ <i>ea</i>
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.					✓ <i>ea</i>
KLITZKIE, Robert	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

12    0    0    0    2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
 Clerk of the Legislature

\* 3 Passes = No vote  
 EA = Excused Absence



**I Mina' Bente Ocho Na Liheslaturan Guahan**  
**The 28<sup>th</sup> Guam Legislature**

155 Hesler Place  
Hagatna, Guam 96910  
Office (671) 472-3407 • Fax (671) 472-3510

**Speaker Mark Forbes**

March 7, 2006

**Speaker Mark Forbes**  
**I Mina' Bente Ocho Na Liheslaturan Guahan**  
**155 Hesler Place**  
**Hagatna, Guam 96910**

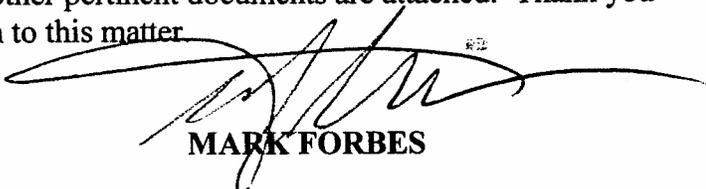
The Committee on General & Omnibus Matters to which Bill No. 82 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 82 (EC)**, as substituted by the committee, "An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices".

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

6 TO PASS  
0 NOT TO PASS  
1 TO REPORT OUT ONLY  
0 ABSTAIN  
0 INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter



**MARK FORBES**

Attachments

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman 

**SUBJECT:** Committee Report- Bill No. 82 (EC), as substituted: "An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices."

Transmitted herewith for your information and action is the report on Bill No. 82 (EC), as substituted, from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 82 (EC), as substituted by the committee
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

**MARK FORBES**

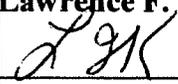
Attachments

# COMMITTEE ON GENERAL AND OMNIBUS MATTERS

*I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN*  
155 HESLER PLACE, HAGÁTNA, GUAM 96910

An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices.

## VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo		✓				
Lawrence F. Kasperbauer, Ph.D.	 LFK			X		
Jesse A. Lujan						
Ray Tenorio		7/2/06 ✓				
Michael Cruz, M.D.		✓				
Lou A. Leon Guerrero						
Judith T. Won Pat						
Benjamin J.F. Cruz		✓				

~~3/22/06~~  
3/23/06  
3/28/06  
4/17/06  
5/19/06

~~Dismissal~~ as substituted  
6/5/06 on the Floor  
version  
dismissed 6/5/06

**I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (FIRST) REGULAR SESSION**

**Bill No. 82 (EC),  
(As substituted by the Committee)**

**Introduced by:**

**B.J.F. Cruz**

**AN ACT TO STANDARDIZE THE ELECTORAL  
PROCESS FOR THE OFFICE OF THE PUBLIC  
AUDITOR AND THE OFFICE OF THE ATTORNEY  
GENERAL AND TO REQUIRE MAJORITY VOTES  
CAST FOR ELECTION FOR SUCH OFFICES**

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

2       **Section 1. Legislative Intent.** It is the intent of I *Liheslaturan*  
3 *Guahan* to standardize the electoral, removal, and vacancy laws for  
4 the offices of the Public Auditor and the Attorney General based on  
5 the legal requirements contained in the Organic Act of Guam relative  
6 to the Office of Governor & Lieutenant Governor, and the Attorney  
7 General. It is the further intent of I *Liheslaturan Guahan* that the  
8 majority vote requirement for the election of the Governor and  
9 Lieutenant Governor of Guam be applied to the elections for the  
10 Offices of Public Auditor and Attorney General of Guam.

11       **Section 2. Vacancy of Public Auditor.** Section 1902 of Chapter  
12 19, Title 1 of the Guam Code Annotated is hereby amended as  
13 follows:

14       **"§1902. Vacancy.** Whenever a vacancy shall occur in the Office

1 of Public Auditor, and when there is more than ~~eight~~ six (86)  
2 months remaining in the term of the Public Auditor at the time  
3 the vacancy shall occur, the Guam Election Commission shall  
4 conduct a special election no more than ninety (90) days after  
5 such vacancy has occurred. Such person elected in the special  
6 election shall serve the balance of the term, until such time as a  
7 new Public Auditor is elected and sworn into office. Should a  
8 vacancy in the Office of Public Auditor occur with exactly ~~eight~~  
9 six (86) months or less remaining in the balance of the Public  
10 Auditor's term, *I Maga'lahaen Guåhan* shall appoint a qualified  
11 individual to fill the balance of the term, subject to the advice  
12 and consent of *I Liheslaturan Guåhan* and the provisions of §1901  
13 of this Chapter.”

14 **Section 3. Majority Vote Required for Election of Public**  
15 **Auditor.** Section 1903 of Chapter 19, Title 1 of the Guam Code  
16 Annotated is hereby amended as follows:

17 “§1903. **Public Auditor Election.** The Public Auditor shall be  
18 elected by the voters of Guam in a general election occurring at  
19 the same time as the general election for Mayors. The Public  
20 Auditor shall be elected by a majority of the votes cast by the  
21 people who are qualified to vote by the Guam Election  
22 Commission. If no candidate receives a majority of the votes  
23 cast, on the fourteenth day thereafter a runoff election shall be  
24 held between the candidates for Public Auditor receiving the  
25 highest and second highest number of votes cast. The Public

1 Auditor shall serve a term of four (4) years. The Public Auditor  
2 is a non-partisan office. No candidate for the position of Public  
3 Auditor shall declare a political party affiliation. No candidate  
4 for the office of Public Auditor shall seek the endorsement or  
5 receive directly or indirectly financial or material support from  
6 a political party. Any violation of the aforementioned shall  
7 constitute the Guam Election Commission to invalidate the  
8 candidacy of the individual for Public Auditor. Candidates for  
9 Public Auditor shall be subject to the same campaign and  
10 personal financial reporting requirements as applied to  
11 candidates for *I Maga'lahaen Guåhan*, as well as all laws  
12 pertaining to campaign contributions. No nominating petition  
13 shall be required of a candidate for Public Auditor. A candidate  
14 for the position of Public Auditor shall file candidacy with the  
15 Guam Election Commission in the manner similar to a  
16 candidate for *I Maga'lahaen Guåhan*, except as is not consistent  
17 with this Chapter. There shall be no primary election for the  
18 position of Public Auditor. All qualified candidates complying  
19 with the provisions of this Chapter shall be placed on the  
20 general election ballot. ~~In the general election, the candidate~~  
21 ~~receiving the most votes, subject to the qualifications~~  
22 ~~established by this Chapter, shall be certified by the Guam~~  
23 ~~Election Commission as having won election to the position of~~  
24 ~~Public Auditor."~~

25 **Section 4. Majority Vote Required for Election of Attorney** —

1 **General.** Section 30101(b) of Chapter 5, Guam Code Annotated.

2 “§30101. (b) The Attorney General shall be elected by a majority  
3 of the votes cast by the people who are qualified to vote by the  
4 Guam Election Commission. If no candidate receives a majority  
5 of the votes cast, on the fourteenth day thereafter a runoff  
6 election shall be held between the candidates for Attorney  
7 General receiving the highest and second highest number of  
8 votes cast. A candidate for the position of Attorney General of  
9 Guam shall declare no political party affiliation. Candidates for  
10 Attorney General of Guam shall be subject to the same  
11 campaign and personal financial reporting requirements as  
12 apply to candidates for *I Maga’lahen Guåhan* [the Governor], as  
13 well as all laws pertaining to campaign contributions. No  
14 nominating petition shall be required of a candidate for  
15 Attorney General of Guam. A candidate for the position of  
16 Attorney General of Guam shall file candidacy with the Guam  
17 Election Commission in the manner similar to a candidate for *I*  
18 *Maga’lahen Guåhan* [the Governor], except as is not consistent  
19 with this Section. There shall be no Primary Election for the  
20 position of Attorney General of Guam. All qualified candidates  
21 complying with the provisions of this Section shall be placed on  
22 the General Election ballot. ~~In the General Election, the~~  
23 ~~candidate receiving the most votes, subject to the qualifications~~  
24 ~~established by this Chapter, shall be certified by the Guam~~  
25 ~~Election Commission as having won election to the position~~

1 ~~Attorney General~~. The Attorney General shall be sworn into  
2 and take office on the first Monday of the January following the  
3 General Election at which the Attorney General was elected  
4 and shall remain in office until the election and swearing in of a  
5 new Attorney General, unless removed from Office as provided  
6 for in this Section. The Attorney General shall:

7 (1) be at least thirty-five (35) years of age;

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

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

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

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

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
COMMITTEE ON GENERAL & OMNIBUS MATTERS  
SPEAKER MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT  
ON  
BILL NO. 82 (EC), AS SUBSTITUED**

**AN ACT TO STANDARDIZE THE ELECTORAL PROCESS FOR THE  
OFFICE OF THE PUBLIC AUDITOR AND THE OFFICE OF THE  
ATTORNEY GENERAL AND TO REQUIRE MAJORITY VOTES  
CAST FOR ELECTION FOR SUCH OFFICES.**

## **I. OVERVIEW**

The Committee on General and Omnibus Matters held a public hearing at 9 a.m., Friday, March 18, 2005 in the Session Hall, I Liheslaturan Guåhan. Public notice was submitted to all media (see facsimile poll/activity report attachment) on Friday, March 11, 2005 and confirmed received. A print ad of the Public Notice was printed in the March 15, 2005, edition of the Pacific Daily News (PDN), posted in the Government Meetings Section in the March 17 edition of the PDN. A second submittal of public notice to all media was done on March 16, 2005 (see facsimile poll/activity report attachment).

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman  
Senator Jesse A. Lujan, Member  
Senator Lou A. Leon Guerrero, Member  
Senator Benjamin J. F. Cruz, Member

## **II. SUMMARY OF TESTIMONY**

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

Mr. Gerald Taitano, Executive Director, Guam Election Commission stated he is present to neither support or not to support the Bill, that the GEC position is ministerial. He said he is present to respond to any questions that the panel has in regard to Bill 82.

Mr. Mitch Thompson, private citizen, in favor of the bill said that the legislature should look into having a primary election for the AG and PA positions, if there are more than 2 individuals running in those elected positions. He said it is important that the PA and AG positions be elected by a majority vote.

Ms. Doris Brooks, Public Auditor, submitted written testimony in favor of Bill No. 82. (See attached testimony)

Mark Martinez, Private Citizen, submitted written testimony in favor of Bill No. 82. (See attached testimony)

### **Questions**

Speaker asked Ms. Brooks that if the legislature decides on eliminating the terms limits of the PA would she consider running for that office again?

She said if her health permits her to run, she would consider to do so.

Senator BJ Cruz asked that if he was to amend the bill to make it consistent that the AG also has a term limit, the same way that the PA, and the Governor, would her position be?

She said she is looking more for consistency, she initially proposed the issue with Speaker Mark Forbes when he was in the 27<sup>th</sup> legislature. She said that if her office is term limited, she feels the AG should also be term limited, not any different from each other. In her research, she said there are more appointed PA positions, and there are two types of appointed PA positions, one appointed by the Governor and the other appointed by the Legislature. Those states that have an elected PA position either have or do not have term limits for the PA. Those states with term limits of the PA, give term limits of at least twelve years to serve in office. She said the Guam PA has the shortest term limit of an elected PA position. Most states with an elected PA have at least twelve, if not sixteen years.

Senator Cruz asked Mr. Taitano what his views were if the AG and the PA were to run in the primary election as opposed to the general election?

Mr. Taitano said that he had concerns about the non-partisan positions of the AG and the PA running in the Primary election, since it the primary race is a party race, but if the legislature is willing to draft legislation to allow for it, he would abide. The concern he has is that there would be a need to have an additional ballot for the AG and PA office, if the election for such office were to be held in the primary election. There would be a ballot for the Republicans, the Democrats and the Non Partisan Offices of the AG and The PA. The savings resulting from holding the election for the Offices of the AG and the PA will be in the actual conduct of the election, the GEC wouldn't have the need to establish another 53 precincts and 350 precinct officials, those would be the expenses saved or expenses incurred.

### **III. FINDINGS AND RECOMMENDATION**

The Committee on General and Omnibus Matters finds the intent of Bill 82, as substituted, will correlate the laws contained in the Organic Act over matters of election, vacancies and removal from office for Governor, Lt. Governor, and the Attorney General to that of the offices of the Public Auditor and the Attorney General. This act will also address that the majority vote requirement for Governor and Lt. Governor also be applied to the Office of the Public Auditor and the Attorney General. The committee finds that the issue related to the term limits of the Offices of the Attorney General and the Public Auditor should be reflective of each other, to be consistent with the election for those offices. The committee also finds that the need for inquiry on matters relating to when the election for these offices can occur during the primary election, at the same time as the election of partisan offices.

Accordingly, the Committee on General and Omnibus Matters to which Bill No. 82 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL NO. 82 (EC), as substituted, "An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices"**.

#### IV. PUBLIC HEARING AGENDA

### AGENDA COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing  
Session Hall, Temporary Legislative Building  
Friday, March 18, 2005, 9:00 a.m.

Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.

**Bill No. 44 (LS) - by L. A. Leon Guerrero**

An Act To Amend Section 4109(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.

**Bill No. 50 (EC) - by B. J.F. Cruz- Postponed**

The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Cottage Industry Activities On Residential Leases By Leaseholders; And To Remove The 21 Year Cap On Licenses For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 75 Of Division 2 Of Title 21 Of The Guam Code Annotated.

**Bill No. 54 (EC) - by J. A. Lujan**

An Act To Amend Subsection 40120(f)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add §11106(d) And To Amend §11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Rules And Regulations Relative To Reducing The Price Of Eggs By Removing The Individual Egg Stamping Requirement Of Imported Eggs That Meet Local And United States Department Of Agriculture Inspection Requirements.

**Bill No. 69 (EC) - by Edward J.B. Calvo**

An Act Authorizing I Maga'láhen Guáhan To Exchange Lot Numbers 123-R1-1-1g And 123-R1-1-2g, Municipality Of Umatac, With Tract 3241-A, Block 5a, Lot Number 7, Municipality Of Umatac.

**Bill No. 82 (EC) - by B. J.F. Cruz**

An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices.





***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

155 Hesler Place  
Hagatna, Guam 96910  
Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

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**WAIVER OF FISCAL NOTE**

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 82, as substituted, is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 82, as substituted.

---

**MARK FORBES**  
Speaker and Chairman,  
Committee on General and Omnibus Matters

# Transmission Report

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3-11-05;12:37PM  
4723510  
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**I Mina' Bente Ocho Na Lheslaturan Guahan**  
The 28<sup>th</sup> Guam Legislature

155 Heeler Place  
Hagatna, Guam 96910  
Office (671) 472-3400 • Fax (671) 472-3510

**Speaker Mark Forbes**

## FACSIMILE

Date: March 11, 2005 Time:  
Fax No.: 477-3079 No. of Pages: 2  
To: PDN Government Meetings  
From: The Office of Speaker Mark Forbes  
Re: Public Hearing Notice- March 18, 2005, 9:00 a.m.

Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Monday, March 14; Tuesday, March 15; Thursday, March 17 and Friday, March 18 to read:

\*Committee on General and Ombuds Matters & Executive Committee: Public Hearing, Friday, March 18, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatna, Guam. To be heard;

Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.

Bill No. 44: An Act To Amend Section 4189(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.

Bill No. 98: The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Cottage Industry Activities On Residential Lots By Leaseholders; And To Remove The 21 Year Cap On Leases For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 78 Of Division 2 Of Title 21 Of The Guam Code Annotated.

Total Pages Scanned : 2 Total Pages Confirmed : 2

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1	534 94773079	3-11-05;12:34PM	1'53"	2/ 2	EC		CP 7200

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RE: Resend  
MP: Multi-Poll  
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3-11-05; 11:36AM  
4723510  
Guam Legislature

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**I Mina' Bente Ocho Na Liheslaturan Guahan**  
The 28<sup>th</sup> Guam Legislature

155 Healer Place  
Hagatna, Guam 96910  
Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

## Facsimile

**Date:** March 11, 2005 **Time:**

**To:** ALL MEDIA:

**Fax No.:** Pacific Daily News; 477-3079 KUAM; 637-0870  
 Marianas Variety; 648-2087 K-57/Power 98; 477-3982  
 K-Stereo; 477-6411 LBI Radio 100; 472-7663  
 Glimpses/Gu Business 649-8883 Adventist World Radio 565-2983  
 Harvest Family Radio 477-7136 XPMG 734-2938  
 KISEI 477-6411

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- March 18, 2005

**Note:** Attached is a public hearing notice for March 18, 2005 and for your personal.

Should there be a problem with the transmittal of this fax please contact our office at 472-3409.

**Sender:**

**No. of Pages:** 3

Lo.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	516	pdn	3-11-05;11:29AM	1'38"	3/ 3	EC	BC	CP 14.4
2	516	marlanas variety	11:31AM	1'14"	3/ 3	EC	BC	CP 14.4
3	516	hit radio	11:33AM	1'06"	3/ 3	EC	BC	CP 28.8
4	516	kuam	11:34AM	1'38"	3/ 3	EC	BC	CP 14.4

### Notes :

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The 28<sup>th</sup> Guam Legislature

155 Hooper Place  
Hagatna, Guam 96910  
Office (871) 472-3400 • Fax (871) 472-3510

**Speaker Mark Forbes**

## FACSIMILE

Date: March 16, 2005 Time:  
Fax No.: 477-3479 No. of Pages: 2  
To: PDN Government Meetings  
From: The Office of Speaker Mark Forbes  
Re: Public Hearing Notice- March 18, 2005, 9:00 a.m.

Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Thursday, March 17 and Friday, March 18 to read:

\*Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Friday, March 18, 2005, 9:00 A.M., Session Hall, Temporary Legislative Building, Hagatna, Guam. To be heard:

Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.

Bill No. 44: An Act To Amend Section 4149(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.

Bill No. 58: The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Cottage Industry Activities On Residential Leases By Leaseholders; And To Remove The 21 Year Cap On Licenses For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 75 Of Division 2 Of Title 21 Of The Guam Code Annotated.

Total Pages Scanned : 5 Total Pages Confirmed : 5

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MB: Receive to Mailbox  
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3-16-05; 10:21AM  
4723510  
Guam Legislature

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**I Mina' Bente Ocho Na Liheslaturan Guahan**  
The 28<sup>th</sup> Guam Legislature

155 Hecker Place  
Hagatna, Guam 96910  
Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

Facsimile

**Date:** March 16, 2005      **Time:**

**To:** ALL MEDIA:

**Fax No.:** Pacific Daily News; 477-3079      KUAM; 637-9870  
 Marianas Variety; 648-2007      K-57/Power 98; 477-3982  
 K-Stereo; 477-6411      Hit Radio 108; 472-7663  
 Glimpse/On Business 649-8883      Adventist World Radio 565-2983  
 Harvest Family Radio 477-7136      KPRG 734-2938  
 KMBI 477-6411

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- March 18, 2005

**Notes:** Attached is a public hearing notice for March 18, 2005 and for your personal.

Should there be a problem with the transmittal of this fax please contact our office at 472-3409.

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**No. of Pages:** 3

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1	693	marianan variety	3-16-05; 10:13AM	1'37"	3/ 3	EC	BC	CP 14.4
2	693	kuam	10:16AM	1'22"	3/ 3	EC	BC	CP 12.0
3	693	hit radio	10:20AM	1'15"	3/ 3	EC	BC	CP 19.2

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**The 28<sup>th</sup> Guam Legislature**

155 Healer Place  
Hagatna, Guam 96910  
Office (671) 472-3400 • Fax (671) 472-3510

**Speaker Mark Forbes**

## Facsimile

**Date:** March 16, 2005      **Time:**

**To:** ALL MEDIA:

**Fax No.:** Pacific Daily News; 477-3679      KUAM; 637-9870  
 Marianas Variety; 648-2087      K-57/Power 96; 477-3962  
 K-Starvo; 477-6411      Hit Radio 108; 472-7663  
 Gleaner/Go Business 649-8883      Adventist World Radio 565-2963  
 Harvest Family Radio 477-7136      KPRG 734-2958  
 KBBE 477-6411

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- March 18, 2005

**Notes:** Attached is a public hearing notice for March 18, 2005 and for your  
 perusal.

Should there be a problem with the transmittal of this fax please contact  
 our office at 472-3409.

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**GENERAL**

No. 000  
The Pacific Daily News newspaper of Guam published in Hagatna designated the official court. Unless otherwise ordered, every notice published shall be in Pacific Daily News.  
District Court  
Territory of Guam  
Filed Sept 2

**NOTICE OF  
UNDER MORTGAGE**

NOTICE IS HEREBY GIVEN pursuant to Paragraph 13, Paragraph 14, and Paragraph 15 of the Default recorded on Deed Instrument No. 7012213 ("Mortgage"), executed on March 1, 2005, by PHILLIP V. CRUZ as CRUZ, ("Mortgagor"), in the Business Administration, in the Department of Land Management of Guam, on as Instrument No. 57 F0HECLOSED pursuant to the SALE contained in the Mortgage was as MORTGAGE, LTD. ("Mortgagee") an Assessor of Mortgages executed on March 1, 2005, with the Department of Land Management of Guam, on as Instrument No. 7012213. The property described by the Mortgage is WITHOUT WARRANTY, express or implied, of possession, rights of encumbrances, to the public auction, to be held for the United States District Court of Guam, 520 West Hagatna, Guam 96910, on March 31, 2005, in order to satisfy the amount due to the Mortgagee. The terms of the sale are cash, or other terms deemed appropriate by the Mortgagee. The Mortgagee has the right to bid all or part of the property at the time of any bid made at the sale. This notice and postponement is effective from the time to time. The property subject to the Mortgage is as follows: Lot No. 8, Block No. 5, Ti Tabololo, Guam Estate No. 6, as said lot is marked and described in Drawing No. M-917399, in the Department of Land Management of Guam, as L-453517, Area: 929 sqm. The amount due the Mortgagee is \$9,921.16 accrued

guampdn.com Pacific Daily News Thursday March 17, 2005

**▲ GUAM BOARD OF EXAMINERS FOR PHARMACY:** 8 a.m. - March 17, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Agenda copies will be available. Call Jane Diego, 735-7406/11

**March 18:**  
**▲ COMMITTEE ON GENERAL AND OMNIBUS MATTERS:** Public hearing 9 a.m. March 18, Legislature's session hall, Hagatna. Governor's appointment of Oscar A. Cayo to serve as a member of the Chamorro Land Trust Commission. Bill 44, relative to annual leave; Bill 50, to authorize the Chamorro Land Trust Commission residential lot recipients to own residential lots pur-

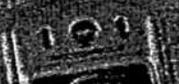
suant to a right of first refusal program, to allow cottage industry activities on residential leases by leaseholders, and to remove the 21-year cap on licenses for churches, hospitals, public schools, private schools and Post Offices. Bill 54, relative to reducing the price of eggs by removing the individual egg stamping requirement of imported eggs that meet local and U.S. Department of Agriculture inspection requirements. Bill 69, to authorize the governor to exchange lots with a tract in Umatac. Bill 82, to standardize the electoral process for the Office of Public Auditor and Office of the Attorney General and to require majority votes cast for election for such offices. Call 472-3409, or visit [www.guamlegislature.com](http://www.guamlegislature.com)



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**Bureau of Statistics and Plans**  
**P.O. Box 2950 Hagåtña, Guam 96932 • 472-4201/2/3**

Felix P. Camacho  
 Governor of Guam

Kaleo S. Moylan  
 Lieutenant Governor

**Notice to the Public**

The Government of Guam is applying for funding from the Office of Justice Programs, Bureau of Justice Assistance to implement the Edward J. Byrne Memorial Justice Assistance Grant Program in Fiscal Year 2005. Copies of Guam's FY 2005 Program Narrative are available for public review at the Bureau of Statistics and Plans located in the Ricardo J. Bordallo Complex in Adelup, Hagåtña, between the hours of 8:00 a.m. and 5:00 p.m., workdays from March 15, 2005 to March 25, 2005. Written comments on the FY 2005 Program Narrative must be received by the Bureau by no later than 5:00 p.m. Monday, March 28, 2005.

/S/ ANTHONY R. SANCHEZ  
 Acting Director

Ad Paid for by federal funds under the FY 2003 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

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**University of Guam  
 Board of Regents Meeting**

The Regular Meeting of the University of Guam Board of Regents will be held on Thursday, March 17, 2005 at 5:30 p.m. in AV Room #1 of the RFK Memorial Library, The University of Guam. The meeting will be held at 1:00 p.m. Place will be announced when you call.

**NOTICE OF PUBLIC HEARING**

COMMITTEE ON GENERAL AND COMMONS MATTERS &  
 EXECUTIVE COMMITTEE

The following amendments to the Code of Guam, Title 11, Chapter 11, Subchapter 1, Sections 11101, 11102, 11103, 11104, 11105, 11106, 11107, 11108, 11109, 11110, 11111, 11112, 11113, 11114, 11115, 11116, 11117, 11118, 11119, 11120, 11121, 11122, 11123, 11124, 11125, 11126, 11127, 11128, 11129, 11130, 11131, 11132, 11133, 11134, 11135, 11136, 11137, 11138, 11139, 11140, 11141, 11142, 11143, 11144, 11145, 11146, 11147, 11148, 11149, 11150, 11151, 11152, 11153, 11154, 11155, 11156, 11157, 11158, 11159, 11160, 11161, 11162, 11163, 11164, 11165, 11166, 11167, 11168, 11169, 11170, 11171, 11172, 11173, 11174, 11175, 11176, 11177, 11178, 11179, 11180, 11181, 11182, 11183, 11184, 11185, 11186, 11187, 11188, 11189, 11190, 11191, 11192, 11193, 11194, 11195, 11196, 11197, 11198, 11199, 11200, 11201, 11202, 11203, 11204, 11205, 11206, 11207, 11208, 11209, 11210, 11211, 11212, 11213, 11214, 11215, 11216, 11217, 11218, 11219, 11220, 11221, 11222, 11223, 11224, 11225, 11226, 11227, 11228, 11229, 11230, 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OFFICE OF THE PUBLIC AUDITOR

March 18, 2005

Honorable Mark Forbes  
Speaker  
28<sup>th</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Re Bills 82 and 44:

Dear Mr. Speaker

Thank you for inviting me to provide testimony on these bills.

**Bill 82**

Among other things, Bill 82 seeks to have the Public Auditor and the Attorney General be elected by a majority of votes cast rather than by a plurality of votes cast. I offer no objection to this change.

In my first election for Public Auditor in November 2000, although there were four other candidates, I was elected by a majority of votes cast. In 2004, I ran unopposed.

As the title of this bill states: "An act to standardize the electoral process..." I propose that the bill be amended for consistency for the Offices of Public Auditor and Attorney General. The Attorney General is not limited in the terms of office he may serve, whereas the Public Auditor can serve in no more than two consecutive terms. For consistency and standardization of the electoral process, I respectfully request that the Public Auditor not be term limited. I note that Senator Ray Tenorio has introduced Bill 75, which eliminates the term limitation for the Public Auditor. I thank Senator Tenorio for introducing that bill and ask that the Legislature eliminate the term limitation of the Public Auditor to be consistent with that of the Attorney General.

**Bill 44**

Bill 44 seeks to eliminate annual leave for certain elected officials specifically the Governor, the Lieutenant Governor, the Public Auditor, and the Attorney General. I note that other elected officials such as the Mayors and Vice Mayors of Guam and the Judges and Justices of the Superior and Supreme Court are not included in Bill 44.

I am opposed to Bill 44. Although the Public Auditor is now an elected position, first and foremost it is a non-partisan position as well as professional position. The professional qualification requirement is that the Public Auditor be a

- ✓ Certified Public Accountant or
- ✓ An Attorney at Law or
- ✓ Have at least five years of experience in the enactment or establishment of government budgets

The Public Auditor's salary has not been raised since it was first put in place back in 1994, more than ten years ago. The elimination of the annual leave would serve as a further disincentive to attract qualified professional candidates. The situation already exists where the Office of Public Auditor oversees the work of agency controllers who are paid far in excess of my salary. I respectfully request the Legislature not pass Bill 44.

Senseramente,



Doris Flores Brooks, CPA, CGFM  
Public Auditor

**YAHOO! MAIL**

Print - Close Window

**From:** "Mark Martinez" <markpaps@hotmail.com>  
**To:** speakerforbes@yahoo.com  
**Subject:** testimony on bill 82  
**Date:** Thu, 17 Mar 2005 14:47:30 +1000

18 March 2005 Testimony on bill 82 - majority vote to elect Attorney General

The Honorable Mark Forbes  
Chair, Committee on General Matters &  
The Speaker of the 28th Guam Legislature

Dear Mr. Speaker Forbes:

My name is Mark K. "paps" Martinez a citizen and I am in FAVOR of bill 82.

It only makes sense that the Attorney General (AG) shall be elected by a majority of the voters not a plurality. One who holds this powerfull position should have the mandate of most of the voters not just a minority of them.

The day may very well come whereby 6 candidates can run for the office of AG. The one receiving the highest amount of votes will receive only 29 % of the vote. That is why this bill is needed.

This Attorney General only received about 43 % of the vote. Sometime around 1994 or 1995 France had an election for President. The leading vote getter received about 44 % of the vote but lost in the run-off election. Another reason why this bill is needed.

This bill should be amended to included:

1. Language that mandates a majority of votes "cast in the election" for Attorney General. This means blank ballots will be counted in deciding a majority. If we do it for intiatives we should do it for electing an Attorney General.
2. Language in the bill that makes the run-off election held on the 3rd Saturday after the General Election. This prevents using schools on a school day. Also, one extra day to get the classrooms ready after the election is held.
3. Language in the bill that grants the Guam Election Commission authority

to decide the number of present officials, counting of the ballots at the present by the officials, using paper ballots on xerox paper for voting. This will reduce the cost of this run-off election.

Mr. Speaker this is the first time legislation has been introduced concerning making changes in the office of Attorney General. This Legislature should consider more legislation on this office. For example, it will be good to have an office of Attorney General and a separate office of Public Prosecutor. These two offices are so much different and it can be done under the Organic Act. This does not mean both offices have to be elected.

Also, if you are to have a separate office of public prosecutor OR if you are to have both offices as the Attorney General then better qualifications should be placed in the law. For example, the office should require that the candidate have at least three years of experience handling criminal cases either as a prosecutor or defense attorney. Not required that they have handled a certain number of trials since trials do not happen a lot. But at least a requirement whereby:

One must have three years experience as the main attorney in criminal cases.

a) main attorney means the attorney representing the defendant thru all or most of the criminal proceeding, date arrested until case closed OR being the prosecutor thru all or most of the criminal proceeding;

b) in order to get a year experience under this law the attorney must have handled at least ten (10) cases under subsection (a).

Thank You,

Mark K. "paps" Martinez



***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

155 Hesler Place  
Hagatna, Guam 96910  
Office (671) 472-3407 • Fax (671) 472-3510

**Speaker Mark Forbes**

March 7, 2006

**Speaker Mark Forbes**  
**I Mina' Bente Ocho Na Liheslaturan Guahan**  
**155 Hesler Place**  
**Hagatna, Guam 96910**

The Committee on General & Omnibus Matters to which Bill No. 82 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 82 (EC)**, as substituted by the committee, **"An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices"**.

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

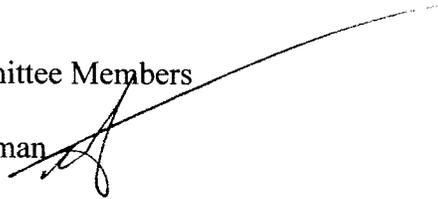
Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

  
**MARK FORBES**

Attachments

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman 

**SUBJECT:** Committee Report- Bill No. 82 (EC), as substituted: "An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices."

Transmitted herewith for your information and action is the report on Bill No. 82 (EC), as substituted, from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 82 (EC), as substituted by the committee
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

**MARK FORBES**

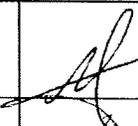
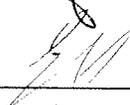
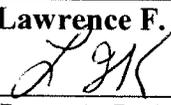
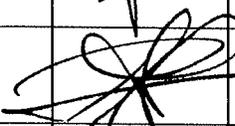
Attachments

# COMMITTEE ON GENERAL AND OMNIBUS MATTERS

*I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN*  
155 HESLER PLACE, HAGÅTNA, GUAM 96910

An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices.

## VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo		✓				
Lawrence F. Kasperbauer, Ph.D.	 L F K			X		
Jesse A. Lujan						
Ray Tenorio		✓				
Michael Cruz, M.D.		✓				
Lou A. Leon Guerrero						
Judith T. Won Pat						
Benjamin J.F. Cruz		✓				

*I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN*  
2005 (FIRST) REGULAR SESSION

Bill No. 82 (EC),  
(As substituted by the Committee)

Introduced by:

B.J.F. Cruz

**AN ACT TO STANDARDIZE THE ELECTORAL  
PROCESS FOR THE OFFICE OF THE PUBLIC  
AUDITOR AND THE OFFICE OF THE ATTORNEY  
GENERAL AND TO REQUIRE MAJORITY VOTES  
CAST FOR ELECTION FOR SUCH OFFICES**

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

2 **Section 1. Legislative Intent.** It is the intent of *I Liheslaturan*  
3 *Guahan* to standardize the electoral, removal, and vacancy laws for  
4 the offices of the Public Auditor and the Attorney General based on  
5 the legal requirements contained in the Organic Act of Guam relative  
6 to the Office of Governor & Lieutenant Governor, and the Attorney  
7 General. It is the further intent of *I Liheslaturan Guahan* that the  
8 majority vote requirement for the election of the Governor and  
9 Lieutenant Governor of Guam be applied to the elections for the  
10 Offices of Public Auditor and Attorney General of Guam.

11 **Section 2. Vacancy of Public Auditor.** Section 1902 of Chapter  
12 19, Title 1 of the Guam Code Annotated is hereby amended as  
13 follows:

14 **"§1902. Vacancy.** Whenever a vacancy shall occur in the Office

1 of Public Auditor, and when there is more than ~~eight~~ six (86)  
2 months remaining in the term of the Public Auditor at the time  
3 the vacancy shall occur, the Guam Election Commission shall  
4 conduct a special election no more than ninety (90) days after  
5 such vacancy has occurred. Such person elected in the special  
6 election shall serve the balance of the term, until such time as a  
7 new Public Auditor is elected and sworn into office. Should a  
8 vacancy in the Office of Public Auditor occur with exactly ~~eight~~  
9 six (86) months or less remaining in the balance of the Public  
10 Auditor's term, *I Maga'lahañ Guåhan* shall appoint a qualified  
11 individual to fill the balance of the term, subject to the advice  
12 and consent of *I Liheslaturan Guåhan* and the provisions of §1901  
13 of this Chapter."

14 **Section 3. Majority Vote Required for Election of Public**  
15 **Auditor.** Section 1903 of Chapter 19, Title 1 of the Guam Code  
16 Annotated is hereby amended as follows:

17 **"§1903. Public Auditor Election.** The Public Auditor shall be  
18 elected by the voters of Guam in a general election occurring at  
19 the same time as the general election for Mayors. The Public  
20 Auditor shall be elected by a majority of the votes cast by the  
21 people who are qualified to vote by the Guam Election  
22 Commission. If no candidate receives a majority of the votes  
23 cast, on the fourteenth day thereafter a runoff election shall be  
24 held between the candidates for Public Auditor receiving the  
25 highest and second highest number of votes cast. The Public

1 Auditor shall serve a term of four (4) years. The Public Auditor  
2 is a non-partisan office. No candidate for the position of Public  
3 Auditor shall declare a political party affiliation. No candidate  
4 for the office of Public Auditor shall seek the endorsement or  
5 receive directly or indirectly financial or material support from  
6 a political party. Any violation of the aforementioned shall  
7 constitute the Guam Election Commission to invalidate the  
8 candidacy of the individual for Public Auditor. Candidates for  
9 Public Auditor shall be subject to the same campaign and  
10 personal financial reporting requirements as applied to  
11 candidates for *I Maga'lahren Guåhan*, as well as all laws  
12 pertaining to campaign contributions. No nominating petition  
13 shall be required of a candidate for Public Auditor. A candidate  
14 for the position of Public Auditor shall file candidacy with the  
15 Guam Election Commission in the manner similar to a  
16 candidate for *I Maga'lahren Guåhan*, except as is not consistent  
17 with this Chapter. There shall be no primary election for the  
18 position of Public Auditor. All qualified candidates complying  
19 with the provisions of this Chapter shall be placed on the  
20 general election ballot. ~~In the general election, the candidate~~  
21 ~~receiving the most votes, subject to the qualifications~~  
22 ~~established by this Chapter, shall be certified by the Guam~~  
23 ~~Election Commission as having won election to the position of~~  
24 ~~Public Auditor."~~

25 **Section 4. Majority Vote Required for Election of Attorney**

1 **General.** Section 30101(b) of Chapter 5, Guam Code Annotated.

2 “§30101. (b) The Attorney General shall be elected by a majority  
3 of the votes cast by the people who are qualified to vote by the  
4 Guam Election Commission. If no candidate receives a majority  
5 of the votes cast, on the fourteenth day thereafter a runoff  
6 election shall be held between the candidates for Attorney  
7 General receiving the highest and second highest number of  
8 votes cast. A candidate for the position of Attorney General of  
9 Guam shall declare no political party affiliation. Candidates for  
10 Attorney General of Guam shall be subject to the same  
11 campaign and personal financial reporting requirements as  
12 apply to candidates for *I Maga’lahen Guåhan* [the Governor], as  
13 well as all laws pertaining to campaign contributions. No  
14 nominating petition shall be required of a candidate for  
15 Attorney General of Guam. A candidate for the position of  
16 Attorney General of Guam shall file candidacy with the Guam  
17 Election Commission in the manner similar to a candidate for *I*  
18 *Maga’lahen Guåhan* [the Governor], except as is not consistent  
19 with this Section. There shall be no Primary Election for the  
20 position of Attorney General of Guam. All qualified candidates  
21 complying with the provisions of this Section shall be placed on  
22 the General Election ballot. ~~In the General Election, the~~  
23 ~~candidate receiving the most votes, subject to the qualifications~~  
24 ~~established by this Chapter, shall be certified by the Guam~~  
25 ~~Election Commission as having won election to the position~~

1 ~~Attorney General~~. The Attorney General shall be sworn into  
2 and take office on the first Monday of the January following the  
3 General Election at which the Attorney General was elected  
4 and shall remain in office until the election and swearing in of a  
5 new Attorney General, unless removed from Office as provided  
6 for in this Section. The Attorney General shall:

7 (1) be at least thirty-five (35) years of age;

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

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

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

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

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
COMMITTEE ON GENERAL & OMNIBUS MATTERS  
SPEAKER MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT  
ON  
BILL NO. 82 (EC), AS SUBSTITUED**

**AN ACT TO STANDARDIZE THE ELECTORAL PROCESS FOR THE  
OFFICE OF THE PUBLIC AUDITOR AND THE OFFICE OF THE  
ATTORNEY GENERAL AND TO REQUIRE MAJORITY VOTES  
CAST FOR ELECTION FOR SUCH OFFICES.**

## **I. OVERVIEW**

The Committee on General and Omnibus Matters held a public hearing at 9 a.m., Friday, March 18, 2005 in the Session Hall, I Liheslaturan Guåhan. Public notice was submitted to all media (see facsimile poll/activity report attachment) on Friday, March 11, 2005 and confirmed received. A print ad of the Public Notice was printed in the March 15, 2005, edition of the Pacific Daily News (PDN), posted in the Government Meetings Section in the March 17 edition of the PDN. A second submittal of public notice to all media was done on March 16, 2005 (see facsimile poll/activity report attachment).

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman  
Senator Jesse A. Lujan, Member  
Senator Lou A. Leon Guerrero, Member  
Senator Benjamin J. F. Cruz, Member

## **II. SUMMARY OF TESTIMONY**

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

Mr. Gerald Taitano, Executive Director, Guam Election Commission stated he is present to neither support or not to support the Bill, that the GEC position is ministerial. He said he is present to respond to any questions that the panel has in regard to Bill 82.

Mr. Mitch Thompson, private citizen, in favor of the bill said that the legislature should look into having a primary election for the AG and PA positions, if there are more than 2 individuals running in those elected positions. He said it is important that the PA and AG positions be elected by a majority vote.

Ms. Doris Brooks, Public Auditor, submitted written testimony in favor of Bill No. 82. (See attached testimony)

Mark Martinez, Private Citizen, submitted written testimony in favor of Bill No. 82. (See attached testimony)

### **Questions**

Speaker asked Ms. Brooks that if the legislature decides on eliminating the terms limits of the PA would she consider running for that office again?

She said if her health permits her to run, she would consider to do so.

Senator BJ Cruz asked that if he was to amend the bill to make it consistent that the AG also has a term limit, the same way that the PA, and the Governor, would her position be?

She said she is looking more for consistency, she initially proposed the issue with Speaker Mark Forbes when he was in the 27<sup>th</sup> legislature. She said that if her office is term limited, she feels the AG should also be term limited, not any different from each other. In her research, she said there are more appointed PA positions, and there are two types of appointed PA positions, one appointed by the Governor and the other appointed by the Legislature. Those states that have an elected PA position either have or do not have term limits for the PA. Those states with term limits of the PA, give term limits of at least twelve years to serve in office. She said the Guam PA has the shortest term limit of an elected PA position. Most states with an elected PA have at least twelve, if not sixteen years.

Senator Cruz asked Mr. Taitano what his views were if the AG and the PA were to run in the primary election as opposed to the general election?

Mr. Taitano said that he had concerns about the non-partisan positions of the AG and the PA running in the Primary election, since it the primary race is a party race, but if the legislature is willing to draft legislation to allow for it, he would abide. The concern he has is that there would be a need to have an additional ballot for the AG and PA office, if the election for such office were to be held in the primary election. There would be a ballot for the Republicans, the Democrats and the Non Partisan Offices of the AG and The PA. The savings resulting from holding the election for the Offices of the AG and the PA will be in the actual conduct of the election, the GEC wouldn't have the need to establish another 53 precincts and 350 precinct officials, those would be the expenses saved or expenses incurred.

### **III. FINDINGS AND RECOMMENDATION**

The Committee on General and Omnibus Matters finds the intent of Bill 82, as substituted, will correlate the laws contained in the Organic Act over matters of election, vacancies and removal from office for Governor, Lt. Governor, and the Attorney General to that of the offices of the Public Auditor and the Attorney General. This act will also address that the majority vote requirement for Governor and Lt. Governor also be applied to the Office of the Public Auditor and the Attorney General. The committee finds that the issue related to the term limits of the Offices of the Attorney General and the Public Auditor should be reflective of each other, to be consistent with the election for those offices. The committee also finds that the need for inquiry on matters relating to when the election for these offices can occur during the primary election, at the same time as the election of partisan offices.

Accordingly, the Committee on General and Omnibus Matters to which Bill No. 82 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL NO. 82 (EC), as substituted, "An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices"**.

#### IV. PUBLIC HEARING AGENDA

### AGENDA COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

**Public Hearing**  
**Session Hall, Temporary Legislative Building**  
**Friday, March 18, 2005, 9:00 a.m.**

Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.

**Bill No. 44 (LS) - by L. A. Leon Guerrero**

An Act To Amend Section 4109(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.

**Bill No. 50 (EC) - by B. J.F. Cruz- Postponed**

The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Cottage Industry Activities On Residential Leases By Leaseholders; And To Remove The 21 Year Cap On Licenses For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 75 Of Division 2 Of Title 21 Of The Guam Code Annotated.

**Bill No. 54 (EC) - by J. A. Lujan**

An Act To Amend Subsection 40120(f)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add §11106(d) And To Amend §11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Rules And Regulations Relative To Reducing The Price Of Eggs By Removing The Individual Egg Stamping Requirement Of Imported Eggs That Meet Local And United States Department Of Agriculture Inspection Requirements.

**Bill No. 69 (EC) - by Edward J.B. Calvo**

An Act Authorizing I Maga'lahren Guåhan To Exchange Lot Numbers 123-R1-1-1g And 123-R1-1-2g, Municipality Of Umatac, With Tract 3241-A, Block 5a, Lot Number 7, Municipality Of Umatac.

**Bill No. 82 (EC) - by B. J.F. Cruz**

An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices.





***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

155 Hesler Place  
Hagatna, Guam 96910  
Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

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**WAIVER OF FISCAL NOTE**

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 82, as substituted, is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 82, as substituted.

---

MARK FORBES  
Speaker and Chairman,  
Committee on General and Omnibus Matters

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**The 28<sup>th</sup> Guam Legislature**

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Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

**FACSIMILE**

Date: March 11, 2005 Time:  
Fax No.: 477-3079 No. of Pages: 2  
To: PDN Government Meetings  
From: The Office of Speaker Mark Forbes  
Re: Public Hearing Notice- March 18, 2005, 9:00 a.m.  
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Monday, March 14; Tuesday, March 15 Thursday, March 17 and Friday, March 18 to read:

**\*Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Friday, March 18, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatna, Guam. To be heard;**

**Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.**

**HR No. 44: An Act To Amend Section 4109(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.**

**HR No. 59: The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Cottage Industry Activities On Residential Leases By Leaseholders; And To Remove The 21 Year Cap On Licenses For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 75 Of Division 2 Of Title 21 Of The Guam Code Annotated.**

Total Pages Scanned : 2 Total Pages Confirmed : 2

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1	534	94773079	3-11-05;12:34PM	1'53"	2 / 2	EC		CP 7200

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3-11-05; 11:36AM  
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Guam Legislature

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**I Mina' Bente Ocho Na Liheslaturan Guahan**  
The 28<sup>th</sup> Guam Legislature

156 Healer Place  
Hagatna, Guam 96910  
Office (871) 472-3409 • Fax (871) 472-3510

**Speaker Mark Forbes**

Facsimile

**Date:** March 11, 2005      **Time:**

**To:** ALL MEDIA:

**Fax No.:**

Pacific Daily News;	477-3079	KUAM;	637-9870
Marianas Variety;	648-2007	K-57/Power 98;	477-3992
K-Stereo;	477-6411	Ht Radio 100;	472-7663
Glimpses/On Business	649-8883	Advertiser World Radio	565-2983
Harvest Family Radio	477-7136	KPRG	734-2958
KISEI	477-6411		

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- March 18, 2005

**Note:** Attached is a public hearing notice for March 18, 2005 and for your perusal.

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1	516	pdn	3-11-05; 11:29AM	1'36"	3/ 3	EC	BC	CP 14.4
2	516	marianas variety	11:31AM	1'14"	3/ 3	EC	BC	CP 14.4
3	516	hit radio	11:33AM	1'06"	3/ 3	EC	BC	CP 28.8
4	516	kuam	11:34AM	1'38"	3/ 3	EC	BC	CP 14.4

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The 28<sup>th</sup> Guam Legislature

155 Healer Place  
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Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

## FACSIMILE

Date: March 16, 2005 Time:  
Fax No.: 477-3079 No. of Pages: 2  
To: PDN Government Meetings  
From: The Office of Speaker Mark Forbes  
Re: Public Hearing Notice- March 18, 2005, 9:00 a.m.

Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Thursday, March 17 and Friday, March 18 to read:

\*Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Friday, March 18, 2005, 9:00 A.M., Session Hall, Temporary Legislative Building, Hagatna, Guam. To be heard;

Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.

Bill No. 44: An Act To Amend Section 4109(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.

Bill No. 56: The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Cottage Industry Activities On Residential Leases By Leaseholders; And To Remove The 21 Year Cap On Licenses For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 75 Of Division 2 Of Title 21 Of The Guam Code Annotated.

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1	690	94773079	3-16-05; 9:32AM	3'25"	5/ 5	EC		CP 12.0

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165 Healer Place  
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Office (671) 472-3400 • Fax (671) 472-3510

**Speaker Mark Forbes**

Facsimile

**Date:** March 16, 2005      **Time:**

**To:** ALL MEDIA:

**Fax No.:** Pacific Daily News; 477-3079      KUAM; 637-9870  
 Marianas Variety; 648-2007      X-57/Power 98; 477-3982  
 K-Starcc; 477-6411      Hit Radio 100; 472-7663  
 Glimpsee/Gu Business 649-8883      Adventist World Radio 565-2983  
 Harvest Family Radio 477-7136      KPRC 734-2958  
 KISH 477-6411

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- March 18, 2005

**Note:** Attached is a public hearing notice for March 18, 2005 and for your perusal.

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1	693	marianan variety	3-16-05; 10:13AM	1'37"	3/ 3	EC	BC	CP 14.4
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3	693	hit radio	10:20AM	1'15"	3/ 3	EC	BC	CP 19.2

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The 28<sup>th</sup> Guam Legislature

155 Healer Place  
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Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

Facsimile

**Date:** March 16, 2005      **Time:**

**To:** ALL MEDIA:

**Fax No.:** Pacific Daily News; 477-3079      KUAM; 637-9870  
 Marianas Variety; 648-2007      K-57/Power 98; 477-3982  
 K-Score; 477-6411      Hit Radio 100; 472-7663  
 Glimpses/On Business 649-8883      Adventist World Radio 565-2883  
 Harvest Family Radio 477-7136      KPRG 734-2958  
 KISE 477-6411

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- March 18, 2005

**Note:** Attached is a public hearing notice for March 18, 2005 and for your perusal.

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the court. Unless oth  
by order, every notice  
published shall be in  
"Pacific Daily News."  
District Court  
Territory of  
Filed Sept. 21

**NOTICE OF  
UNDER MORTGAGE**  
NOTICE IS HEREBY GIV  
G.C.A. §36113, Paragraph  
described mortgage at  
Default recorded on Deed  
Instrument No. 701221, &  
("Mortgage") executed on  
by PHILLIP V. CRUZ, et al.  
CRUZ, ("Mortgagors"), in  
Business Administration, &  
in the Department of Land  
Government of Guam, on  
as Instrument No. 57  
FORECLOSED pursuant  
SALE contained in the  
The Mortgage was as  
MORTGAGE LTD. ("Mortg  
of an Assignment of Mort  
executed on March 1, 20  
with the Department of La  
Government of Guam, on  
Instrument No. 6  
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March 31, 2005, in orde  
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Terms of the sale are cash,  
other terms deemed at  
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right to bid all or part of  
the Mortgage at the time of  
any bid made at the sale &  
this notice and postpone  
time to time.  
The property subject to the  
be sold at sale is as  
Lot No. 8, Block No. 5, Tr  
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Department of Land Ma  
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453517. Area: 929± sq  
The amount due the Mortg  
sum of \$9,931.16, accrued

8  
guampdn.com Pacific Daily News, Thursday, March 17, 2005

**▲ GUAM BOARD OF EXAMINERS FOR PHARMACY: 8 a.m.**  
March 17, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Agenda copies will be available. Call Jane Diego, 735-7406/11.

**March 18**  
**▲ COMMITTEE ON GENERAL AND OMNIBUS MATTERS:** Public hearing 9 a.m. March 18, Legislature's session hall, Hagatña. Governor's appointment of Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission; Bill 44, relative to annual leave; Bill 50; to authorize the Chamorro Land Trust Commission residential lot recipients to own residential lots pur-

suant to a right of first refusal program, to allow cottage industry activities on residential leases by leaseholders, and to remove the 21-year cap on licenses for churches, hospitals, public schools, private schools and Post Offices; Bill 54, relative to reducing the price of eggs by removing the individual egg stamping requirement of imported eggs that meet local and U.S. Department of Agriculture inspection requirements; Bill 69, to authorize the governor to exchange lots with a tract in Umatac; Bill 82, to standardize the electoral process for the Office of Public Auditor and Office of the Attorney General and to require majority votes cast for election for such offices. Call 472-3409, or visit [www.guamlegislature.com](http://www.guamlegislature.com).



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MONTH TIME SHARE	IRA	<b>60</b>	MONTH TIME SHARE
<b>3.20%</b> APY			<b>4.30%</b> APY

## Bureau of Statistics and Plans

**P.O. Box 2950 Hagåtña, Guam 96932 • 472-4201/2/3**

**Felix P. Camacho**  
Governor of Guam

**Kaleo S. Moylan**  
Lieutenant Governor

### Notice to the Public

The Government of Guam is applying for funding from the Office of Justice Programs, Bureau of Justice Assistance to implement the Edward J. Byrne Memorial Justice Assistance Grant Program in Fiscal Year 2005. Copies of Guam's FY 2005 Program Narrative are available for public review at the Bureau of Statistics and Plans located in the Ricardo J. Bordallo Complex in Adelup, Hagåtña, between the hours of 8:00 a.m. and 5:00 p.m., workdays from March 15, 2005 to March 25, 2005. Written comments on the FY 2005 Program Narrative must be received by the Bureau by no later than 5:00 p.m., Monday, March 28, 2005.

/S/ ANTHONY P. SANCHEZ  
Acting Director

Ad Paid for by federal funds under the FY 2003 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program

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### University of Guam Board of Regents Meeting

The Regular Meeting of the University of Guam Board of Regents will be held on Thursday, March 17, 2005 at 5:30 p.m. in AV Room #1 of the RFK Memorial Library. The University of Sat., at 4:00 p.m. Place will be announced when you called.

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## NOTICE OF PUBLIC HEARING

COMMITTEE ON GENERAL AND OMNIBUS MATTERS &  
EXECUTIVE COMMITTEE  
Speaker Mark Forbes - Chairman

The following appointment and bills will be heard on Friday, March 18, 2005 at 9:00 AM in the Public Hearing Room, 1 Libesmanna Guahan, 135 Hester Pl., Hagåtña.

**Calvo, Oscar A.** - To serve as a member of the Chamorro Land Trust Commission

**Bill No. 94 (LS)** - by L.A. Leon Guerrero  
An Act To Amend Section 4109(a) of Title 4, Guam Code Annotated, Relative To Annual Leave.

**Bill No. 80 (EC)** - by B.J.F. Cruz  
The Chamorro Land Trust Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Certain Industry Activities on Residential Leased Property By Leaseholders; And To Remove The 21 Year Cap On Licenses For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 75 Of Division 2 Of Title 21 Of The Guam Code Annotated.

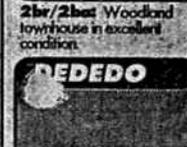
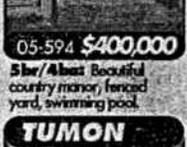
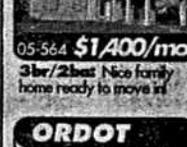
**Bill No. 94 (EC)** - by J.A. Lujan  
An Act Amend Subsection 40120(F)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add 11106(D) And To Amend Subsection 11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Code; And Regulations Relative To Reducing The Price of Eggs By Removing The Individual Egg Size Requirement Of Inspected Eggs That Meet Local And United States Department of Agriculture Inspection Requirements.

**Bill No. 69 (EC)** - by E.B. Cabre  
An Act Authorizing I Magsalen Guahan To Exchange Lot Numbers 123-R1-1-1G And 123-R1-1-2G; Municipality Of Umanac, With Tract 3241-A, Block 5A, Lot Number 7, Municipality Of Umanac.

**Bill No. 82 (EC)** - by B.J.F. Cruz  
An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Each Office.

FOR ADA ASSISTANCE CONTACT MR. EUGENE SANTOS,  
OFFICE OF THE SPEAKER PHONE (671) 472-3407  
FOR E-MAIL INQUIRIES: speakerforbes@yahoo.com

Notice paid for by government funds

HOMES	RENTALS	OR
<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">ASAN</p>  <p style="font-size: small;">04-986 <b>\$279,000</b></p> <p style="font-size: x-small;">3br/3bat Delightful home with custom built kitchen, granite counter.</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">MANGILAO</p>  <p style="font-size: small;">04-2711 <b>\$25,000</b></p> <p style="font-size: x-small;"><b>STUDIO:</b> Good starting investment. Call for a showing.</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">DEDEDO</p>  <p style="font-size: small;">05-589 <b>\$1,300/mo.</b></p> <p style="font-size: x-small;">2br/2bat Woodland townhouse in excellent condition.</p> </div>
<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">DEDEDO</p>  <p style="font-size: small;">05-570 <b>\$122,000</b></p> <p style="font-size: x-small;">3br/2bat Corner lot house with a carport &amp; perimeter fence.</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">TALOFOFO</p>  <p style="font-size: small;">05-594 <b>\$400,000</b></p> <p style="font-size: x-small;">5br/4bat Beautiful country manor, fenced yard, swimming pool.</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">DEDEDO</p>  <p style="font-size: small;">05-564 <b>\$1,400/mo.</b></p> <p style="font-size: x-small;">3br/2bat Nice family home ready to move in!</p> </div>
<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">DEDEDO</p>  <p style="font-size: small;">05-568 <b>\$170,000</b></p> <p style="font-size: x-small;">4 Unit Apts This 2 story four unit apartment, each apartment has 2bd/1bal</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">TUMON</p>  <p style="font-size: small;">05-563 <b>\$145,000</b></p> <p style="font-size: x-small;">3br/2bat San Vitores Terrace - Live near the beach, close to shops!</p> </div>	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold;">ORDOT</p>  <p style="font-size: small;">05-582 <b>\$1,600/mo.</b></p> <p style="font-size: x-small;">4br/2bat House with ceramic tiles and typhoon shutters.</p> </div>



OFFICE OF THE PUBLIC AUDITOR

March 18, 2005

Honorable Mark Forbes  
Speaker  
28<sup>th</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Re Bills 82 and 44:

Dear Mr. Speaker

Thank you for inviting me to provide testimony on these bills.

**Bill 82**

Among other things, Bill 82 seeks to have the Public Auditor and the Attorney General be elected by a majority of votes cast rather than by a plurality of votes cast. I offer no objection to this change.

In my first election for Public Auditor in November 2000, although there were four other candidates, I was elected by a majority of votes cast. In 2004, I ran unopposed.

As the title of this bill states: "An act to standardize the electoral process..." I propose that the bill be amended for consistency for the Offices of Public Auditor and Attorney General. The Attorney General is not limited in the terms of office he may serve, whereas the Public Auditor can serve in no more than two consecutive terms. For consistency and standardization of the electoral process, I respectfully request that the Public Auditor not be term limited. I note that Senator Ray Tenorio has introduced Bill 75, which eliminates the term limitation for the Public Auditor. I thank Senator Tenorio for introducing that bill and ask that the Legislature eliminate the term limitation of the Public Auditor to be consistent with that of the Attorney General.

**Bill 44**

Bill 44 seeks to eliminate annual leave for certain elected officials specifically the Governor, the Lieutenant Governor, the Public Auditor, and the Attorney General. I note that other elected officials such as the Mayors and Vice Mayors of Guam and the Judges and Justices of the Superior and Supreme Court are not included in Bill 44.

I am opposed to Bill 44. Although the Public Auditor is now an elected position, first and foremost it is a non-partisan position as well as professional position. The professional qualification requirement is that the Public Auditor be a

- ✓ Certified Public Accountant or
- ✓ An Attorney at Law or
- ✓ Have at least five years of experience in the enactment or establishment of government budgets

The Public Auditor's salary has not been raised since it was first put in place back in 1994, more than ten years ago. The elimination of the annual leave would serve as a further disincentive to attract qualified professional candidates. The situation already exists where the Office of Public Auditor oversees the work of agency controllers who are paid far in excess of my salary. I respectfully request the Legislature not pass Bill 44.

Senseramente,



Doris Flores Brooks, CPA, CGFM  
Public Auditor

# YAHOO! MAIL

Print - Close Window

**From:** "Mark Martinez" <markpaps@hotmail.com>  
**To:** speakerforbes@yahoo.com  
**Subject:** testimony on bill 82  
**Date:** Thu, 17 Mar 2005 14:47:30 +1000

18 March 2005 Testimony on bill 82 - majority vote to elect Attorney General

The Honorable Mark Forbes  
Chair, Committee on General Matters &  
The Speaker of the 28th Guam Legislature

Dear Mr. Speaker Forbes:

My name is Mark K. "paps" Martinez a citizen and I am in FAVOR of bill 82.

It only makes sense that the Attorney General (AG) shall be elected by a majority of the voters not a plurality. One who holds this powerful position should have the mandate of most of the voters not just a minority of them.

The day may very well come whereby 6 candidates can run for the office of AG. The one receiving the highest amount of votes will receive only 29 % of the vote. That is why this bill is needed.

This Attorney General only received about 43 % of the vote. Sometime around 1994 or 1995 France had an election for President. The leading vote getter received about 44 % of the vote but lost in the run-off election. Another reason why this bill is needed.

This bill should be amended to included:

1. Language that mandates a majority of votes "cast in the election" for Attorney General. This means blank ballots will be counted in deciding a majority. If we do it for initiatives we should do it for electing an Attorney General.
2. Language in the bill that makes the run-off election held on the 3rd Saturday after the General Election. This prevents using schools on a school day. Also, one extra day to get the classrooms ready after the election is held.
3. Language in the bill that grants the Guam Election Commission authority

to decide the number of present officials, counting of the ballots at the present by the officials, using paper ballots on xerox paper for voting. This will reduce the cost of this run-off election.

Mr. Speaker this is the first time legislation has been introduced concerning making changes in the office of Attorney General. This Legislature should consider more legislation on this office. For example, it will be good to have an office of Attorney General and a separate office of Public Prosecutor. These two offices are so much different and it can be done under the Organic Act. This does not mean both offices have to be elected.

Also, if you are to have a separate office of public prosecutor OR if you are to have both offices as the Attorney General then better qualifications should be placed in the law. For example, the office should require that the candidate have at least three years of experience handling criminal cases either as a prosecutor or defense attorney. Not required that they have handled a certain number of trials since trials do not happen a lot. But at least a requirement whereby:

One must have three years experience as the main attorney in criminal cases.

a) main attorney means the attorney representing the defendant thru all or most of the criminal proceeding, date arrested until case closed OR being the prosecutor thru all or most of the criminal proceeding;

b) in order to get a year experience under this law the attorney must have handled at least ten (10) cases under subsection (a).

Thank You,

Mark K. "paps" Martinez

2nd Reading  
3/22/06  
3/23/06  
3/28/06  
4/17/06  
5/19/06

Disposal      3rd  
6/5/06      6/17/06  
6/6/06

**I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (FIRST) REGULAR SESSION**

**Bill No. 82 (EC)  
(As substituted on the Floor)**

**Introduced by:**

**B.J.F. Cruz**

**AN ACT TO STANDARDIZE THE ELECTORAL  
PROCESS FOR THE OFFICE OF THE PUBLIC  
AUDITOR AND THE OFFICE OF THE ATTORNEY  
GENERAL AND TO REQUIRE MAJORITY VOTES  
CAST FOR ELECTION FOR SAID OFFICES**

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

2        **Section 1. Legislative Intent.** It is the intent of I *Liheslaturan*  
3 *Guahan* to standardize the electoral, removal, and vacancy laws for the  
4 offices of the Public Auditor and the Attorney General and to require that a  
5 successful candidate receive a majority vote in the elections for those  
6 offices.

7        **Section 2.** Section 1902 of Chapter 19, Title 1 of the Guam Code  
8 Annotated is amended to read:

9        “§1902. **Vacancy.** Whenever a vacancy shall occur in the Office of  
10 Public Auditor, and when there is more than ~~eight~~ six (86) months  
11 remaining in the term of the Public Auditor at the time the vacancy  
12 shall occur, the Guam Election Commission shall conduct a special  
13 election no more than ninety (90) days after such vacancy has  
14 occurred. Such person elected in the special election shall serve the

1 balance of the term, until such time as a new Public Auditor is elected  
2 and sworn into office. Should a vacancy in the Office of Public  
3 Auditor occur with exactly ~~eight~~ six (86) months or less remaining in  
4 the balance of the Public Auditor's term, *I Maga'lahaen Guåhan* shall  
5 appoint a qualified individual to fill the balance of the term, subject to  
6 the advice and consent of *I Liheslaturan Guåhan* and the provisions of  
7 §1901 of this Chapter.”

8 **Section 3.** Section 1903 of Chapter 19, Title 1 of the Guam Code  
9 Annotated is amended to read:

10 **“§1903. Public Auditor Election.** The Public Auditor shall be elected  
11 by the voters of Guam in a General Election occurring at the same  
12 time as the General Election for Mayors. The Public Auditor shall  
13 serve a term of four (4) years. The Public Auditor is a non-partisan  
14 office. No candidate for the position of Public Auditor shall declare a  
15 political party affiliation. No candidate for the office of Public  
16 Auditor shall seek the endorsement or receive directly or indirectly  
17 financial or material support from a political party. Any violation of  
18 the aforementioned shall constitute the Guam Election Commission to  
19 invalidate the candidacy of the individual for Public Auditor.  
20 Candidates for Public Auditor shall be subject to the same campaign  
21 and personal financial reporting requirements as applied to candidates  
22 for *I Maga'lahaen Guåhan*, as well as all laws pertaining to campaign  
23 contributions. No nominating petition shall be required of a candidate  
24 for Public Auditor. A candidate for the position of Public Auditor  
25 shall file candidacy with the Guam Election Commission in the  
26 manner similar to a candidate for *I Maga'lahaen Guåhan*, except as is  
27 not consistent with this Chapter. ~~There shall be no primary election~~

1 ~~for the position of Public Auditor.~~ All qualified candidates complying  
2 with the provisions of this Chapter shall be placed on a separate ballot  
3 for the position of Public Auditor to be cast at the general-Primary  
4 Election, ballot. The two candidates who receive the most votes in the  
5 Primary Election shall be certified accordingly by the Election  
6 Commission and placed on the ballot for the General Election. In the  
7 General Election, the candidate receiving the most votes, subject to  
8 the qualifications established by this Chapter, shall be certified by the  
9 Guam Election Commission as having won election to the position of  
10 Public Auditor.”

11 **Section 4.** Section 30101(b) of Chapter 5, Guam Code Annotated is  
12 amended to read:

13 “§30101. (b) A candidate for the position of Attorney General of  
14 Guam shall declare no political party affiliation. Candidates for  
15 Attorney General of Guam shall be subject to the same campaign and  
16 personal financial reporting requirements as apply to candidates for *I*  
17 *Maga’lahen Guåhan* [the Governor], as well as all laws pertaining to  
18 campaign contributions. No nominating petition shall be required of a  
19 candidate for Attorney General of Guam. A candidate for the position  
20 of Attorney General of Guam shall file candidacy with the Guam  
21 Election Commission in the manner similar to a candidate for *I*  
22 *Maga’lahen Guåhan* [the Governor], except as is not consistent with  
23 this Section. ~~There shall be no Primary Election for the position of~~  
24 ~~Attorney General of Guam.~~ All qualified candidates complying with  
25 the provisions of this Section shall be placed on a separate ballot for  
26 the position of Attorney General to be cast at the General Primary  
27 Election, ballot. The two candidates who receive the most votes in the

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

12 (1) be at least thirty-<sup>30</sup>five (~~35~~) years of age;

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

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

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

24 (5) not have been suspended from the practice of law in any  
25 jurisdiction for violation of ethical rules governing the practice  
26 of attorneys.”

27 Added Section Five. Title 3 G.C.A., Chapter 6, Section 6112 is

**I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 82 (EC)

Senator Jesse Lujan

**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

Pg. 4, line 12. To amend age eligibility for Attorney General from (35) to (30).

(1) be at least Thirty (30) years of age.

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*(Below only for Clerk of Legislature's use and processing)*

Date June 05, 2006

Floor Amendment No. 2 of a total of \_\_\_\_\_ changes on above Bill.

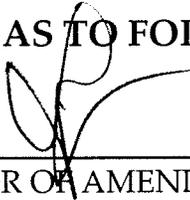
Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:**                     

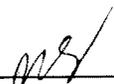
Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

  
\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur *(initial)*

  
\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
\_\_\_\_\_  
Engrossment Staff

1 amended to read:

2 § 6112. Filing and Distribution of Petitions.

3 Notwithstanding any other provision of law, ~~partisan~~ candidates  
4 for I Liheslaturan Guåhan [Guam Legislature], offices of I Maga'láhen  
5 Guåhan [Governor] and I Segundu Na Maga'láhen Guåhan  
6 [Lieutenant Governor], Washington Delegate, Mayor and Vice-  
7 Mayor, the Public Auditor and the Attorney General shall file their  
8 declarations of candidacy with the Commission no earlier than one  
9 hundred and thirty (130) days before the primary election, and no later  
10 than sixty (60) days before the primary election.

11 Notwithstanding any other provision of law, candidates for  
12 ~~offices with a non-partisan requirement, including~~ the Guam  
13 Education Policy Board, ~~the Public Auditor, the Attorney General of~~  
14 ~~Guam~~ and the Consolidated Commission on Utilities shall file their  
15 declarations of candidacy with the Commission no earlier than one  
16 hundred and thirty (130) days and no later than sixty (60) days before  
17 the general election.

18 The Commission shall publish in a newspaper of general  
19 circulation the names of all candidates and the offices for which they  
20 have declared their candidacy after each filing deadline.

*mf*  
*21* *FA 1*  
*Section 6*

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 82

Mark Forbes

Senator Proposing Amendment

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

To add a new Section 7 to the bill to read:

Section Seven. Title 3 G.C.A. Section 16108 is amended to read:

**§ 16108. Primary elections cancelled when unnecessary.**

(a) When the Commission determines that all a political parties party that have has qualified for placement on the primary ballot have has:

(i) the same or fewer number of candidates running for nomination to the Legislature than the number of senatorial seats allowed in law, it shall cancel such Primary Election for that party for the Legislature because of the lack of any contest; or

(ii) Only one (1) set of candidates running for Governor or Lieutenant Governor, it shall cancel such primary election for that party for the gubernatorial team because of the lack of any contest; or

(iii) Only one (1) candidate running for mayor or vice mayor in a particular municipal district, it shall cancel such primary election for that party for mayor or vice mayor because of the lack of any contest.

(b) Certification of candidates. Following such cancellation, the Commission shall certify all candidates who qualified to appear on the ballots in such cancelled primary elections for placement on the general election ballot as candidates of their respective political parties for the general election. The drawing for placement of names on the ballots for the primary election, if undertaken, shall control the placement of names on the ballots for the general election.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Below only for Clerk of Legislature's use and processing)*

Date June 05, 2006

Floor Amendment No. 1 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_



APPROVED AS TO FORM PASSED

Passed FA No. \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur (*initial*)

ms  
\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
\_\_\_\_\_  
Engrossment Staff

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN  
2005 (FIRST) REGULAR SESSION

Bill No. 82 (EC)

Introduced by:

B.J.F. Cruz 

AN ACT TO STANDARDIZE THE ELECTORAL  
PROCESS FOR THE OFFICE OF THE PUBLIC  
AUDITOR AND THE OFFICE OF THE ATTORNEY  
GENERAL AND TO REQUIRE MAJORITY VOTES  
CAST FOR ELECTION FOR SUCH OFFICES

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2       **Section 1. Legislative Intent.** It is the intent of *I Liheslaturan*  
3 *Guahan* to standardize the electoral, removal, and vacancy laws for  
4 the offices of the Public Auditor and the Attorney General based on  
5 the legal requirements contained in the Organic Act of Guam relative  
6 to the Office of Governor & Lieutenant Governor, and the Attorney  
7 General. It is the further intent of *I Liheslaturan Guahan* that the  
8 majority vote requirement for the election of the Governor and  
9 Lieutenant Governor of Guam be applied to the elections for the  
10 Offices of Public Auditor and Attorney General of Guam.

11       **Section 2. Vacancy of Public Auditor.** Section 1902 of Chapter  
12 19, Title 1 of the Guam Code Annotated is hereby amended as  
13 follows:

14       “§1902. Vacancy. Whenever a vacancy shall occur in the Office

1 of Public Auditor, and when there is more than ~~eight~~ six (86)  
2 months remaining in the term of the Public Auditor at the time  
3 the vacancy shall occur, the Guam Election Commission shall  
4 conduct a special election no more than ninety (90) days after  
5 such vacancy has occurred. Such person elected in the special  
6 election shall serve the balance of the term, until such time as a  
7 new Public Auditor is elected and sworn into office. Should a  
8 vacancy in the Office of Public Auditor occur with exactly ~~eight~~  
9 six (86) months or less remaining in the balance of the Public  
10 Auditor's term, *I Maga'lahañ Guåhan* shall appoint a qualified  
11 individual to fill the balance of the term, subject to the advice  
12 and consent of *I Liheslaturan Guåhan* and the provisions of §1901  
13 of this Chapter."

14 **Section 3. Majority Vote Required for Election of Public**  
15 **Auditor.** Section 1903 of Chapter 19, Title 1 of the Guam Code  
16 Annotated is hereby amended as follows:

17 **"§1903. Public Auditor Election.** The Public Auditor shall be  
18 elected by the voters of Guam in a general election occurring at  
19 the same time as the general election for Mayors. The Public  
20 Auditor shall be elected by a majority of the votes cast by the  
21 people who are qualified to vote by the Guam Election  
22 Commission. If no candidate receives a majority of the votes  
23 cast, on the fourteenth day thereafter a runoff election shall be  
24 held between the candidates for Public Auditor receiving the  
25 highest and second highest number of votes cast. The Public

1 Auditor shall serve a term of four (4) years. The Public Auditor  
2 is a non-partisan office. No candidate for the position of Public  
3 Auditor shall declare a political party affiliation. No candidate  
4 for the office of Public Auditor shall seek the endorsement or  
5 receive directly or indirectly financial or material support from  
6 a political party. Any violation of the aforementioned shall  
7 constitute the Guam Election Commission to invalidate the  
8 candidacy of the individual for Public Auditor. Candidates for  
9 Public Auditor shall be subject to the same campaign and  
10 personal financial reporting requirements as applied to  
11 candidates for *I Maga'lahaen Guåhan*, as well as all laws  
12 pertaining to campaign contributions. No person shall serve  
13 more than two (2) consecutive terms as Public Auditor. No  
14 nominating petition shall be required of a candidate for Public  
15 Auditor. A candidate for the position of Public Auditor shall  
16 file candidacy with the Guam Election Commission in the  
17 manner similar to a candidate for *I Maga'lahaen Guåhan*, except  
18 as is not consistent with this Chapter. There shall be no primary  
19 election for the position of Public Auditor. All qualified  
20 candidates complying with the provisions of this Chapter shall  
21 be placed on the general election ballot. ~~In the general election,~~  
22 ~~the candidate receiving the most votes, subject to the~~  
23 ~~qualifications established by this Chapter, shall be certified by~~  
24 ~~the Guam Election Commission as having won election to the~~  
25 ~~position of Public Auditor."~~

1           **Section 4. Majority Vote Required for Election of Attorney**  
2 **General.** Section 30101(b) of Chapter 5, Guam Code Annotated.

3           “§30101. (b) The Attorney General shall be elected by a majority  
4 of the votes cast by the people who are qualified to vote by the  
5 Guam Election Commission. If no candidate receives a majority  
6 of the votes cast, on the fourteenth day thereafter a runoff  
7 election shall be held between the candidates for Attorney  
8 General receiving the highest and second highest number of  
9 votes cast. A candidate for the position of Attorney General of  
10 Guam shall declare no political party affiliation. Candidates for  
11 Attorney General of Guam shall be subject to the same  
12 campaign and personal financial reporting requirements as  
13 apply to candidates for *I Maga’lahen Guåhan* [the Governor], as  
14 well as all laws pertaining to campaign contributions. No  
15 nominating petition shall be required of a candidate for  
16 Attorney General of Guam. A candidate for the position of  
17 Attorney General of Guam shall file candidacy with the Guam  
18 Election Commission in the manner similar to a candidate for *I*  
19 *Maga’lahen Guåhan* [the Governor], except as is not consistent  
20 with this Section. There shall be no Primary Election for the  
21 position of Attorney General of Guam. All qualified candidates  
22 complying with the provisions of this Section shall be placed on  
23 the General Election ballot. ~~In the General Election, the~~  
24 ~~candidate receiving the most votes, subject to the qualifications~~  
25 ~~established by this Chapter, shall be certified by the Guam~~

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

8 (1) be at least thirty-five (35) years of age;

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

11 (3) be an active member in good standing of the Guam  
12 Bar

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

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

22 (5) not have been suspended from the practice of law in  
23 any jurisdiction for violation of ethical rules governing  
24 the practice of attorneys.”