

3 GCA ELECTIONS
CH. 16 INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION

CHAPTER 16
INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION

NOTE: Unless otherwise noted, all sections within this chapter were added to the Government Code of Guam by P.L. 14-023 (May 3, 1977). During the Fifteenth Guam Legislature, the Compiler announced that Title 3 - Elections had been added to the new, permanent Guam Code Annotated. *See* 4 Guam Sess. L. Introduction (Mar. 1981).

SOURCE: Former chapter 17 reenacted to this chapter by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This chapter, formerly entitled "*Conduct of Primary Elections*," was reenacted as chapter 15 by P.L. 31-255:2 (Dec. 11, 2012).

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- Article 2. Initiative.
- Article 3. Referendum.
- Article 4. Legislative Submission.
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GENERAL PROVISIONS

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§ 16101. Legislative Intent.

It is the intent of *I Liheslaturan Guåhan* that the people of Guam shall have the right to exercise the power of initiative and referendum with regard to legislative matters, and that *I Liheslaturan Guåhan* shall submit matters to the voters for approval or rejection.

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SOURCE: GC § 2960. Added by P.L. 14-023 (May 3, 1977). Codified as 3 GCA § 17101. Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16102. Definitions.

As used in this Chapter:

(a) Initiative is the power of the voters to propose statutes, and to adopt or reject them at the polls.

(b) Referendum is the power of the voters to initiate action to repeal existing statutes or parts of statutes, except statutes calling for elections or appropriations for usual current expenses of Guam.

(c) Legislative Submission means the power of the voters to approve or reject legislation which has been referred to them by *I Liheslatura* (the Legislature).

(d) Measure refers to the action proposed or question presented on the initiative, referendum or legislative submission.

SOURCE: GC § 2960.1. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17102. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16103. Legislative Amendment: Limitations.

I Liheslatura (the Legislature) may amend or repeal statutes enacted pursuant to legislative submission, but *I Liheslatura* (the Legislature) may not, within a period of two (2) years, amend or repeal a statute enacted pursuant to an initiative without voter approval, unless said statute provides for amendment or repeal without voter approval.

SOURCE: GC § 2960.2. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17103. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16104. Summary of Proposed Initiative, Referendum or Legislative Submission: Fees.

(a) The proponents of any proposed initiative or referendum measure, prior to circulating any petition for signatures, shall submit a draft of the measure to the Election Commission with a request that it prepare a summary of the chief purposes and points of the proposed measure. The summary shall not exceed one hundred (100) words, and shall be a true and impartial summary of the measure.

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(b) The Election Commission shall also, upon request of the Speaker of *I Liheslatura* (the Legislature), prepare a summary of each legislative submission measure to be submitted to the voters by *I Liheslatura* (the Legislature). The summary shall not exceed one hundred (100) words.

(c) The proponents of any initiative or referendum measure shall, at the time of submitting the draft of the measure to the Election Commission, pay a non-refundable fee of Two Hundred Dollars (\$200.00) for the cost of preparing the measure for the ballot. No fee shall be charged for legislative submissions.

SOURCE: GC § 2960.3. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17104. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16105. Preparation of Ballot Title by Election Commission.

The Election Commission shall provide a ballot title for each initiative, referendum or legislative submission to be submitted to the voters within ten (10) days after the measure is certified for a position on the ballot, and publish said title once a week for three (3) consecutive weeks in a newspaper of general circulation on Guam. The ballot title may differ from the legislative or other title of the measure, and shall express the purpose of the measure in not more than one hundred (100) words. The Election Commission shall give a true and impartial statement of the purpose of the measure in such language that the ballot title shall not be an argument, or likely to create prejudice either for or against the measure.

SOURCE: GC § 2960.4. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17105. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16106. Designation of Measures by Title.

Each measure shall be designated on the ballot by the ballot title prepared by the Election Commission.

The ballot title given shall begin with the last two (2) digits of the election year, followed by the alphabet letter corresponding to the order in which it was submitted to the Election Commission.

SOURCE: GC § 2960.5. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17105. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

ARTICLE 2
INITIATIVE

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- § 16201.3. Public Input.
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§ 16201. Initiative: Proposal of.

Initiative measures may be proposed by presenting petitions to the Election Commission, as set forth in this Chapter, with bona fide signatures of voters equal in number to ten percent (10%) of all registered voters as of the time the proposed initiative measure is submitted to the Election

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Commission prior to circulation. The proposed initiative measure shall not exceed five hundred (500) words.

SOURCE: GC § 2960.6. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17201. Repealed and reenacted by P.L. 24-132:1 (Feb. 16, 1998). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16201.1. Qualified Proponent.

Initiative measures may only be proposed by a bona fide resident and registered voter of Guam who was registered during the preceding general election. The qualified proponent of any initiative may act individually or on behalf of an organization, partnership, corporation, committee, or business.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16201.2. Initiative Author.

The qualified proponent of the initiative and officers of the organization, partnership, corporation, committee, or business he or she represents, if applicable, must be identified.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16201.3. Public Input.

Prior to circulation of the initiative for signature gathering, the proponent must host village meetings in at least ten (10) villages, to include the six (6) villages with the largest number of registered voters in the previous election. The meetings shall be documented with written minutes and a video recording.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16202. Same: Unrelated Subjects Prohibited.

An initiative measure embracing unrelated subjects may not be submitted to the voters.

SOURCE: GC § 2960.7. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17202. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16203. Same: Failed Initiative.

If an initiative measure is not approved by more than sixty percent (60%) of the voters in any election, no initiative measure proposing a

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substantially similar or substantially related subject shall be submitted to voters for at least ten (10) years after the date of such election.

SOURCE: Added by P.L. 29-118:2 (Dec. 2, 2008) as 3 GCA § 17202.2. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012). Amended by P.L. 31-283:2 (Dec. 31, 2012).

§ 16204. Same: Commission Determination.

The Guam Election Commission shall determine whether an initiative measure proposes a substantially similar or substantially related subject of a previously defeated measure prior to circulation of said measure.

SOURCE: Added by P.L. 29-118:3 (Dec. 2, 2008) as 3 GCA § 17202.3. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012). Amended by P.L. 31-283:2 (Dec. 31, 2012).

§ 16205. Same: Presentation of.

The Election Commission shall submit the initiative to the electors after certification at the next regularly scheduled biennial general election; provided, however, that *I Liheslatura* may call an island-wide special election for the purpose of having the electors vote on an initiative measure.

SOURCE: GC § 2960.8. Added by P.L. 14-023:8 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17203. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012). Amended by P.L. 31-283:2 (Dec. 31, 2012).

§ 16206. Same: Majority Required; Effective Date.

An initiative must be approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote in the special or biennial general election at which the initiative was placed on the ballot. Any initiative so approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote at said election *shall* take effect no earlier than the first (1st) day of the month of February of the succeeding year after certification of its passage by the Commission; and after all requisite government rules, regulations, permits pertaining to the initiative are officially adopted and effectuated by relevant department and agencies of the government of Guam.

SOURCE: GC § 2960.9. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17204. Repealed and reenacted by P.L. 17-063:13 (Aug. 29, 1984). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012). Amended by P.L. 31-283:2 (Dec. 31, 2012).

§ 16207. Same: Resolution of Conflicts.

If provisions of two (2) or more measures approved at the same election conflict, those provisions of the measure receiving the highest affirmative votes shall prevail.

SOURCE: GC § 2960.10. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17205. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16208. Printing of Summary on Initiative Petition.

Prior to the circulation of any proposed initiative measure, the proponents shall print upon each page of the petition in Roman bold face type not smaller than twelve (12)-point font size, “Initiative measure to be submitted directly to the voters.” Beneath that shall be printed the summary prepared by the Election Commission in the same size type. Across the top of each subsequent page shall be printed a short title not to exceed twenty (20) words describing the nature of the petition, and the subject to which it relates.

SOURCE: GC § 2960.11. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17206. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16209. Initiative Petition: Forms; Certification.

(a) Each section of the initiative petition shall have a one (1)-inch column to the left of the place for printed names for use of the precinct board. Each petitioner signer shall sign next to his or her printed name and in the next place, print his or her place of residence (giving the street name and number if such exist, and mailing address) and Social Security or CI number.

(b) The number of signatures attached to each section of the petition shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of Guam shall be competent to solicit said signatures. The petition shall have attached thereto the affidavit of the person soliciting signatures to the same stating his or her qualifications, and that all the signatures to the attached section were made in his or her presence and that, to the best of his or her knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required.

(c) The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths.

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Petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified voters.

SOURCE: GC § 2960.12. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17207. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16210. Filing of Petitions.

Officers required by law to receive or file any initiative petition shall not receive or file any initiative which does not conform with the provisions of this Title.

SOURCE: GC § 2960.13. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17208. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16211. Preservation of Filed Petitions.

An officer receiving or filing any initiative petition shall preserve the petition for four (4) years, and may destroy the petition after four (4) years, unless it is in evidence in some action or proceeding then pending.

SOURCE: GC § 2960.14. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17209. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16212. Official Summary Date for Proposed Initiative; Time for Circulation and Filing of Petitions.

The date a summary of a proposed initiative measure is delivered or mailed by the Election Commission to the proponents is designated as the “official summary date” for the proposed initiative measure.

No petitions for a proposed initiative shall be circulated for signature prior to the official summary date. Petitions with signatures on a proposed initiative measure shall be filed with the Election Commission no later than one hundred twenty (120) days after the official summary date, and the Election Commission shall not accept petitions on the proposed initiative measure after that period.

SOURCE: GC § 2960.15. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17210. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16213. Number of Signatures Required to Place Initiative on Ballot.

The Election Commission shall not accept any petition on a proposed initiative measure unless it has been certified as provided in § 16209, and has met the qualifications provided for in § 16201 of this Chapter.

SOURCE: GC § 2960.16. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17211. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16214. Special Single-Site Elections.

For the purpose of submitting an initiative measure, a referendum, or any submission by *I Liheslatura* (the Legislature) to the electors, the Commission may, pursuant to a call by *I Maga'låhen Guåhan* or *I Liheslaturan Guåhan*, conduct a special election dealing only with such measures, referendums, or submissions during which election a single polling place shall be designated by the Commission. The single polling place may be the offices of the Guam Election Commission, or may be any other site deemed appropriate and available to the Commission. The Commission may geographically alternate the voting site during the thirty (30)-day election period for the purpose of maximizing voter convenience; provided, that each alternate site is open for a period of at least six (6) consecutive days during the thirty (30)-day election period, and further provided, that each site be open to any registered voter in Guam who has not yet voted during the election period, regardless of the voter's place of residence or district of registration.

Registered voters may cast their ballots on the initiative measure at any time a designated polling place is open during a period of thirty (30) consecutive calendar days; provided, that the first day of the thirty (30)-day election period shall be no less than ninety (90) days after the certification of the initiative measure by the Commission or the enactment of a law placing an initiative measure before the voters of Guam; and provided further, that during the thirty (30)-day election period, the designated polling place shall be open to voters every day for a minimum of twelve (12) consecutive hours beginning at eight o'clock (8:00) a.m., except Sundays.

The Election Commission may not call such an election on its own initiative. Only *I Liheslaturan Guåhan* or *I Maga'låhen Guåhan* may call such an election for the purpose of having the electors vote on an initiative measure, referendum or any submission to the voters by *I Liheslaturan*

Guáhan. Such election may not be held within ninety (90) days prior to any special or general election.

No counting of ballots shall commence until the termination of the thirty (30)-day election period as described in this Section. For elections as described in this Section, ballots may be counted by any reasonable methodology determined appropriate by the Commission, including manual counting; provided, that the counting of ballots shall commence no sooner than the close of the polling place on the final day of the election, and no later than twenty-four (24) hours after the last day of the thirty (30)-day election period.

SOURCE: Added by P.L. 23-102:2 (June 24, 1996) as 3 GCA § 17212. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16215. Commission to Develop Registration and Disclosure Requirements and Form.

The Commission shall develop the registration requirements and rules and regulations governing the information requisite for discovery of financial and shareholder or member disclosure requirements contained herein that stipulate the essential financial information of any person and all shareholders and/or members of any organization, partnership, corporation, committee, or business which expects to receive funds or make expenditures in an effort to directly support or put forward any initiative.

The Commission shall adopt these rules within one hundred twenty (120) days of the enactment of this Act. The Commission may revisit and amend these rules as deemed necessary by the Commission every three (3) years thereafter.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16216. Financial Disclosure and Registration Requirement.

Any person, and all individual shareholders or members of any organization, partnership, corporation, committee, or business, which receives funds or makes expenditures in an effort to directly support or put forward any initiative must register and file financial disclosure reports with the Commission.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16217. Shareholder/Member Disclosure Requirement.

Financial disclosure reports shall list all individual shareholders or members of any organization, partnership, corporation, committee, or business which receives funds or makes expenditures in an effort to directly support or put forward any initiative.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16218. Police and Court Clearances.

At the time of filing of an initiative, any person, and all shareholders and or members of any organization, partnership, corporation, committee, or business, which receives funds or makes expenditures in an effort to directly support or put forward any initiative must be registered with the Commission and shall submit:

(a) a clearance from the Guam Police Department;

(b) a clearance from the Judiciary of Guam;

(c) a clearance from United States District Court; and

(d) a signed affidavit attesting that the proponent, shareholder or member of any organization, partnership, corporation, committee, or business, has not been convicted of a felony or misdemeanor, as described herein, in any state or territory of the United States or foreign country.

Notwithstanding any other provision of law, in order to put forward an initiative, any person, and all shareholders and or members of any organization, partnership, corporation, committee, or business must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude. Initiatives forwarded by proponents listed with such crimes herein shall be disqualified from further action by the Commission.

The cost for the police clearance and the court clearances required by this Section shall be borne by the person/s seeking to propose the initiative.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16219. Requirement of Fiscal Impact Statement.

A fiscal impact statement shall be required for all initiatives that have an effect upon the revenues or the expenditure of any funds of the

government of Guam. A waiver of a fiscal impact statement shall be required for all measures that do not have an effect upon the revenues or the expenditure of any funds of the government of Guam. No initiative shall be presented to the electorate by the Commission, unless a fiscal impact statement or waiver thereof is submitted.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16220. Preparation of Fiscal Impact Statement, or Waiver Thereof.

The fiscal impact statement, or waiver thereof, shall be prepared by the Director of the Bureau of Budget and Management Research (BBMR), in coordination with the director of the department, agency or appropriate government instrumentality, affected by the initiative. The fiscal impact statement or waiver thereof prepared by BBMR shall be considered as the official document required for fulfillment of this Section.

The proponents of an initiative may commission an independent accounting firm to conduct a fiscal impact statement of its own for informational purposes, but proponents of any initiative measure may not present a waiver of its own of said fiscal impact statement.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16221. Contents of Fiscal Impact Statement.

A fiscal impact statement shall contain the best estimate of the fiscal impact of an initiative for the fiscal year in which it would become effective, if enacted, and for the next four (4) succeeding fiscal years. If the fiscal impact of the measure is not expected to occur within the operating fiscal year, the estimate shall be for the first fiscal year in which it is expected to be fully effective, and for the next four (4) succeeding fiscal years.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

§ 16222. Fiscal Impact Statement Circular.

The fiscal impact statement shall be attached to any voter information pamphlet circulated by the Commission. Proponents shall assume the costs associated with printing their independent fiscal impact statement and reimburse the Commission for costs it incurs in appending the independent fiscal impact statement to any pamphlet commissioned by the Commission.

SOURCE: Added by P.L. 31-283:2 (Dec. 31, 2012).

ARTICLE 3
REFERENDUM

- § 16301. Referendum: Proposal of.
- § 16302. Same: Unrelated Subjects Prohibited.
- § 16303. Same: Presentation of.
- § 16304. Heading of Referendum Petition.
- § 16305. Short Title on Referendum Petition.
- § 16306. Referendum Petition: Forms; Certification.
- § 16307. Filing of Petitions.
- § 16308. Preservation of Filed Petitions.
- § 16309. Official Summary Date for Proposed Referendum Measure; Time for Circulation and Filing of Petitions.
- § 16310. Number of Signatures Required to Place Referendum on Ballot.
- § 16311. Referendum on Tax Increases Required.
- § 16312. Voter Approval Required on General Obligation Bonds and Certain Fees.

§ 16301. Referendum: Proposal of.

A referendum measure may be proposed by presenting petitions to the Election Commission, as set forth in this Chapter, signed by voters equal in number to twenty percent (20%) of all votes counted for all candidates for *I Maga'lâhen Guâhan* at the last preceding general election at which *I Maga'lâhen Guâhan* was elected. The proposed referendum measure shall not exceed five hundred (500) words.

SOURCE: GC § 2960.17. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17301. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16302. Same: Unrelated Subjects Prohibited.

A referendum measure embracing unrelated subjects may not be submitted to the voters.

SOURCE: GC § 2960.18. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17302. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16303. Same: Presentation of.

The Election Commission shall submit the referendum to the electors, after certification, at the next general election held at least ninety (90) days after it qualifies, or, in a Guam at-large special election held at least ninety (90) days after certification; provided, however, that *I Maga 'låhen Guåhan* or *I Liheslaturan Guåhan* may call a special election for the purpose of having the voters vote on a referendum measure.

SOURCE: GC § 2960.19. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17303. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16304. Heading of Referendum Petition.

(a) Across the top of each page of a referendum petition, there shall be printed in twelve (12)-point font size Roman bold face type the following:

“REFERENDUM AGAINST AN ACT PASSED BY THE LEGISLATURE”

(b) The summary prepared by the Election Commission shall be printed beneath the title in the same type style.

SOURCE: GC § 2960.20. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17304. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16305. Short Title on Referendum Petition.

Across the top of each page after the first page of every referendum petition which is prepared and circulated, there shall be printed a short title, not to exceed twenty (20) words, describing the nature of the petition and the subject to which it relates.

SOURCE: GC § 2960.21. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17305. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16306. Referendum Petition: Forms; Certification.

(a) Each section of the referendum petition shall have a one (1) inch column to the left of the place for printed names for use of the precinct board. Each petition signer shall sign next to his or her printed name, and in the next place, print his or her place of residence (giving the number and street name if such exist, and mailing address) and Social Security or CI number.

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(b) The number of signatures attached to each section of the petition shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of Guam shall be competent to solicit said signatures. The petition shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his or her qualifications, and that all the signatures to the attached section were made in his or her presence and that, to the best of his or her knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required.

(c) The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors.

SOURCE: GC § 2960.22. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17306. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16307. Filing of Petitions.

Officers required by law to receive or file any referendum petition shall not receive or file any referendum petition which does not conform with the provisions of this Title.

SOURCE: GC § 2960.23. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17307. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16308. Preservation of Filed Petitions.

An officer receiving or filing any referendum petition shall preserve the petition for four (4) years and may destroy the petition after four (4) years, unless it is in evidence in some action or proceeding then pending.

SOURCE: GC § 2960.24. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17308. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16309. Official Summary Date for Proposed Referendum Measure; Time for Circulation and Filing of Petitions.

The date a summary of a proposed referendum measure is delivered or mailed by the Election Commission to the proponents is designated as the “official summary date” for the proposed referendum measure.

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No petitions for a proposed referendum measure shall be circulated for signature prior to the official summary date. Petitions with signatures on a proposed referendum measure shall be filed with the Election Commission not later than ninety (90) days after the official summary date, and the Election Commission shall not accept petitions on the proposed referendum measure after that period.

SOURCE: GC § 2960.25. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17309. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16310. Number of Signatures Required to Place Referendum on Ballot.

The Election Commission shall not accept any petition on a proposed referendum measure unless it has been certified, as provided in § 16306, and has met the qualifications provided for by § 16301 of this Chapter.

SOURCE: GC § 2960.26. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17310. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16311. Referendum on Tax Increases Required.

Notwithstanding any other provision of law, no increase in real property tax, liquid fuel tax, business privilege tax or any locally enacted and administered tax on Guam shall go into effect without the approval of the voters of Guam in a referendum held during a general election. The manner in which a proposed tax increase shall be placed in referendum before the voters of Guam pursuant to this Section shall be as follows:

(a) *I Liheslaturan Guåhan* must pass, in bill form, a proposed tax increase, the effective date to be thirty (30) days after ratification by the voters of Guam in a referendum, such ratification to be certified by the Guam Election Commission. The bill must detail the amount and nature of the proposed increase and the purpose to which such proposed increase shall be applied.

(b) No more than ten (10) days after the bill is enacted into law, the full text of the law shall be transmitted to the Guam Election Commission by the Legislative Secretary of *I Liheslaturan Guåhan*. The Guam Election Commission shall place before the voters of Guam the question of whether the voters approve or disapprove of the proposed tax increase at the next General Election; provided, that the

date of transmittal of the proposed tax increase from *I Liheslaturan Guåhan* to the Guam Election Commission is at least ninety (90) days prior to the date of the next General Election.

(c) The Guam Election Commission shall cause to appear in a daily periodical of mass publication on Guam a full text of the proposed tax increase to be submitted to the voters in referendum pursuant to this Section, at a date no less than thirty (30) days prior to the General Election during which the referendum shall be held. *I Liheslaturan Guåhan* shall make such provisions as are deemed necessary to provide the public with information necessary to arrive at an informed position with respect to the proposal.

(d) Any submission to the voters made pursuant to this Section shall be treated as an initiative for the purpose of determining the number of votes needed to ratify a proposal placed before the voters pursuant to this Section.

This Section shall not be interpreted as requiring voter ratification of a tax imposed by the government of the United States of America, provided that this Section shall apply upon de-linkage of the Guam income tax from the Federal Internal Revenue Code.

SOURCE: Added by P.L. 24-222:1 (July 29, 1998) as 3 GCA § 17320. Codified by Compiler as § 17311 to maintain the section number sequence within the chapter. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16312. Voter Approval Required on General Obligation Bonds and Certain Fees.

The provisions of § 16311 of this Article and Chapter shall apply in the case of any general obligation bond of the government of Guam in excess of Twenty-Five Million Dollars (\$25,000,000), as well as in the case of the creation of any new fee for service proposed to be established in such cases where the fee is for a service already provided by the government of Guam prior to the establishment of the new fee, and where such service was previously funded through other revenues.

SOURCE: Added by P.L. 24-222:2 (July 29, 1998) as 3 GCA § 17321. Codified by Compiler as § 17312 to maintain the section number sequence within the chapter. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

ARTICLE 4
LEGISLATIVE SUBMISSION

- § 16401. Number of Legislative Votes Necessary for Legislature's Submission.
- § 16402. Number of Votes to Approve Legislative Measure Submitted to the People by *I Liheslatura* (the Legislature).

§ 16401. Number of Legislative Votes Necessary for Legislature's Submission.

No measure shall be submitted to the voters by *I Liheslaturan Guðhan* unless it shall have been adopted by a majority of affirmative votes of all the Members.

SOURCE: GC § 2960.27. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17401. Amended by P.L. 28-013:2 (Mar. 9, 2005). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16402. Number of Votes to Approve Legislative Measure Submitted to the People by *I Liheslatura* (the Legislature).

A majority of the valid votes cast thereon shall be necessary for the approval of any legislative submission placed on the ballot by *I Liheslatura* (the Legislature).

SOURCE: GC § 2960.28. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17402. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

ARTICLE 5
ARGUMENTS CONCERNING INITIATIVE, REFERENDUM OR
LEGISLATIVE SUBMISSION MEASURES SUBMITTED TO VOTERS

- § 16501. Draft of Argument Favoring Measure.
- § 16502. Draft of Argument Opposing Measure.
- § 16503. Submission of Drafts to Election Commission; Amendment.
- § 16504. Filing of Voter's Argument for Initiative or Referendum.
- § 16505. Priorities in Selection of Argument.
- § 16506. Signatures on Arguments.

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- § 16507. Analysis of Measure.
- § 16508. Printing of Ballot Pamphlet.
- § 16509. Contents of Pamphlet.
- § 16510. Defect in Pamphlet.
- § 16511. Format of Pamphlet.
- § 16512. Mailing of Ballot Pamphlet.
- § 16513. Rules and Regulations.
- § 16514. Reenactment of Chapter.

§ 16501. Draft of Argument Favoring Measure.

(a) Whenever *I Liheslatura* (the Legislature) submits any measure to the voters, the author of the measure and one (1) Member of *I Liheslatura* (the Legislature) who voted with the majority for the submission of the measure shall be appointed by the Speaker to draft an argument for the adoption of the measure. This argument shall not exceed five hundred (500) words in length.

(b) If the author of the measure desires separate arguments to be written in its favor by each person appointed, separate arguments may be written but the combined length of the two (2) arguments shall not exceed five hundred (500) words.

SOURCE: GC § 2960.29. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17501. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16502. Draft of Argument Opposing Measure.

If a measure to be submitted to the voters by *I Liheslatura* (the Legislature) was not adopted unanimously, one (1) Member who voted against it shall be appointed by the Speaker, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. The opposing argument shall not exceed five hundred (500) words in length.

SOURCE: GC § 2960.30. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17502. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16503. Submission of Drafts to Election Commission; Amendment.

Arguments prepared by legislators appointed by the Speaker shall be submitted to the Election Commission within forty-five (45) days after the

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adoption of the legislative submission measure by *ILiheslaturan Guðhan*. If the arguments are not submitted within forty-five (45) days, the measure shall not be submitted to the voters.

SOURCE: GC § 2960.31. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17503. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16504. Filing of Voter’s Argument for Initiative or Referendum.

Any voter or group of voters may, no less than forty-five (45) days prior to the election at which the measure is to be presented to the voters, prepare and file with the Election Commission an argument for or against any initiative or referendum measure or legislative submission. The argument shall not exceed five hundred (500) words in length.

SOURCE: GC § 2960.32. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17504. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16505. Priorities in Selection of Argument.

If more than one (1) argument for or more than one (1) argument against any measure is filed within the time prescribed, the Election Commission shall select one (1) of the arguments for printing in the ballot pamphlets. In selecting the argument, the Election Commission shall give preference and priority in the order named to the arguments of the following:

- (a) in the case of a legislative submission, Members of *I Liheslatura* (the Legislature);
- (b) bona fide associations of citizens; and
- (c) individual voters.

SOURCE: GC § 2960.33. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17505. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16506. Signatures on Arguments.

No more than three (3) signatures shall appear with any argument printed in the ballot pamphlet. If any argument is signed by more than three (3) persons, the signature of the first three (3) shall be printed.

SOURCE: GC § 2960.34. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17506. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16507. Analysis of Measure.

Whenever any measure qualifies for a place on the ballot, the Election Commission shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

The analysis shall be printed in the ballot pamphlet between the ballot title and the arguments for and against the measure. The length of the analysis shall not exceed five hundred (500) words, except with the approval of the Election Commission.

SOURCE: GC § 2960.35. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17507. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16508. Printing of Ballot Pamphlets.

The Election Commission shall cause to be printed one and one-tenth (1 1/10) times as many ballot pamphlets as there are registered voters.

SOURCE: GC § 2960.36. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17508. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16509. Contents of Pamphlet.

The ballot pamphlets shall contain:

- (a) a complete copy of any measure submitted to the voters by:
 - (1) *I Liheslaturan Guåhan*; or
 - (2) by initiative or referendum petition;
- (b) a copy of the specific statutory provision, if any, proposed to be affected;
- (c) a copy of the arguments for and against the measure as provided for in this Chapter; and
- (d) the analysis and ballot title provided for in this Chapter.

SOURCE: GC § 2960.37. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17509. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16510. Defect in Pamphlet.

Any defect in the ballot pamphlet shall not cause a delay in the election or be grounds to invalidate the election.

SOURCE: Added by P.L. 27-108:4 (Oct. 27, 2004) as 3 GCA § 17509.1. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16511. Format of Pamphlet.

The Election Commission shall prescribe the format of the ballot pamphlet subject to the conditions set forth in § 16507 and § 16509, and further subject to the condition that the required material be presented in a manner to facilitate full understanding of an issue.

SOURCE: GC § 2960.38. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17510. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16512. Mailing of Ballot Pamphlet.

Immediately after copies of the ballot pamphlet are available, the Election Commission shall deliver the following number of copies to the following:

- (a) one (1) copy to each registered voter;
- (b) one (1) copy to each village mayor;
- (c) one (1) copy to each judge of the Superior Court; and
- (d) one (1) copy to each Senator.

SOURCE: GC § 2960.39. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17511. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16513. Rules and Regulations.

Pursuant to its powers under Chapter 2 of this Title, the Election Commission shall promulgate the necessary administrative rules and procedures to effectuate the purposes of this Chapter.

SOURCE: GC § 2960.40. Added by P.L. 14-023 (May 3, 1977). Reenacted by P.L. 17-025:III:8 (Oct. 7, 1983). Codified as 3 GCA § 17512. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16514. Reenactment of Chapter.

Chapter 16 of Title 3 of the Guam Code Annotated (this Chapter) is hereby reenacted. Such reenactment is to conform with 48 U.S.C. § 1422a, as amended by Act of October 19, 1982, Public Law 97-357, Title I, § 101, 96 Stat. 1705.

SOURCE: Added by P.L. 17-025:III:8 (Oct. 7, 1983) as 3 GCA § 17514. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: In Public Law 97-357, Congress amended the Organic Act of Guam to invest the people of Guam with “the right of initiative and referendum, to be exercised under conditions and procedures specified in the the laws of Guam.” This congressional act also provided that the “Governor, Lieutenant Governor, or member of the legislature of Guam may be removed from office by a referendum election”

**ARTICLE 6
VERIFICATION OF PETITIONERS**

§ 16601. Verification of Petitioners.

§ 16602. Severability.

§ 16601. Verification of Petitioners.

The Election Commission shall verify all petitioners for any initiative, referendum, or recall, to ensure that all persons are duly registered to vote in Guam. In order to facilitate the verification of petitioners, the Election Commission may promulgate rules allowing proponents to submit signed petitions to the Election Commission on a weekly basis.

SOURCE: Added by P.L. 18-030:55 (Feb. 19, 1986) as 3 GCA § 18101. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 16602. Severability.

If any part or parts of this Act are found to be inconsistent with the Constitution of the United States or the Organic Act of Guam, the remainder of the Act shall remain in force.

If the Organic Act is replaced by a popularly developed Constitution, this Act shall be deemed to be reenacted pursuant to said Constitution. If said Constitution contains provisions dealing with initiative, referendum and legislative submission which are inconsistent with the provisions of this Act,

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this Act shall be deemed to be amended to conform to the Constitutional provisions.

SOURCE: Added by P.L. 14-023:3 (May 3, 1977). Codified as 3 GCA § 17513.
Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).
