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CH. 2 INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION

CHAPTER 2
INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION

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NOTE: Rule-making authority cited for Election Commission, 3 GCA § 16513.

§ 2101. Purpose.

The rules and regulations within this chapter implement 3 GCA Chapter 16 and in so doing establish an orderly and efficient method for processing initiative, referendum and legislative submission matters.

§ 2102. Definitions.

For the purpose of these Rules and Regulations:

- (a) Commission shall mean the Guam Election Commission;
- (b) Director shall mean the Executive Director of the Guam Election Commission;
- (c) Initiative means the power of the voters to propose statutes, and to adopt or reject them at the polls;
- (d) Referendum means the power of eligible voters to initiate action to enact laws or repeal existing statutes or parts of statutes,

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except those establishing appropriations for expenses of the Government of Guam;

(e) Legislative submission means the power of eligible voters to approve or reject legislation referred to them by the Legislature;

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

§ 2103. Initiative: Submission to Election Commission.

(a) The GEC Executive Director shall mark on the front page of both the original and the copy the exact time and date of receipt of the draft. The Commission shall keep the original and return the copy to the proponent.

(b) The initiative measure should be written the way in which the proponent desires that it appear on the ballot for voting.

(c) No draft of an initiative measure embracing unrelated subjects may be accepted. If, in the opinion of the Commission's legal counsel, a submitted draft embraces subjects which are unrelated, the Executive Director shall return the draft to the proponent along with the filing fee stating the manner in which the draft violates the prohibition against unrelated subjects. If a proposed measure is returned in this manner, the original submission shall be deemed void for all purposes. Any GEC action under this Subsection shall be taken within ten (10) days after formal submission of the draft of the initiative proposal.

(d) Qualified proponent at the time of submission of draft measure to the Director must insure compliance with all requirements of 3 GCA §§ 16216, 16217 and 16218.

§ 2104. Commission to Develop Registration and Disclosure Requirements and Form.

The provisions of 4 GCA Chapter 13 and 6 GAR Chapter 4 shall apply to 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.

SOURCE: Law governing 3 GCA § 16215.

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§ 2105. Same: Summary of Proposed Measure.

(a) Within twenty-five (25) days of the submission of any initiative measure, the Commission's legal counsel shall prepare and submit to GEC a summary of the chief purposes and points of the proposal. The summary shall not exceed one hundred (100) words and shall reflect an accurate and impartial summary of the measure.

(b) Legal counsel to the Commission shall also prepare and provide to the Commission a Short Title of the measure describing the nature and subject to which it relates. The Short Title shall be submitted simultaneously with the summary, and shall not exceed twenty (20) words.

(c) Within thirty (30) days of the submission of any initiative measure, the Director shall deliver or send by registered mail to the proponent, the summary and Short Title described in (a) and (b), and shall inform the proponent of the deadline for filing required petitions as prescribed by 3 GCA § 16212.

§ 2106. Same: Acceptance of Petitions for Filing.

(a) The Executive Director shall determine if the petition conforms with all the requirements and any other requirements of 3 GCA Chapter 16, before accepting the petition for filing. The date of acceptance for filing shall be deemed the date of certification of the proposed initiative measure in conformance with 3 GCA §§ 16105 and 16205.

(b) The Director shall notify in writing the initiative proponent and deliver or send by registered mail acceptance or refusal to accept an initiative petition for filing within twenty (20) days of the presentation of the petition to the Commission. The date of delivery or deposit as registered mail with the U.S. Postal Service of a notice of acceptance shall be deemed the date of acceptance. If no notice is issued within twenty (20) days, it shall be deemed as an acceptance of the petition for filing on the date the twenty (20) day period expires. The time period provided in this paragraph may be extended no more than ten (10) days by giving notice, as above, of the extension to the proponent, if in the opinion of the Executive Director, an extension of the period is necessary to determine whether the requirements for filing are met. If such extension is made and no notice of acceptance or refusal is given before

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expiration of the extension, it shall be deemed as an acceptance as of the expiration date of the extension.

(c) If the Executive Director refuses to accept a petition for an initiative measure for filing, he or she shall state the reason(s) in the notice of refusal to the proponent.

(d) If the Executive Director refuses to accept a petition for an initiative measure for filing, and the one hundred twenty day (120) period for filing of petitions has not expired, the proponent may remedy any defects before the expiration of the one hundred twenty day (120) period set forth in 3 GCA § 16212.

(e) The proponent reserves the right to appeal a refusal to the Election Commission. If an appeal proves favorable for the initiative proponent, the date of certification of the proposed measure shall be the date on which a decision was made by the Commission.

Petitions may be destroyed after four (4) years barring any pending court action or proceeding in which notice was issued to maintain them as evidence.

SOURCE: Law governing 3 GCA §§ 2102(a), 16104, 16201, 16208-16212.

§ 2107. Same: Preparation and Publication of Ballot Title.

The Executive Director shall publish the ballot title once a week for three (3) consecutive weeks in a newspaper of general circulation on Guam including the date of the election during which the measure will be voted.

SOURCE: Law governing 3 GCA § 16105.

§ 2108. Same: Ballot Pamphlets.

(a) The Executive Director shall cause to be printed one and one-tenth (1-1/10) times as many ballot pamphlets as there are registered voters, to be available not less than thirty (30) days prior to an election in which an initiative measure will be presented to voters.

(b) The ballot pamphlets shall contain, in the strict following order:

- (1) The initiative sample;
- (2) An analysis of the proposed measure;

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(3) The selected argument approved by the GEC favorable to the initiative measure;

(4) The selected argument against the proposal provided such an argument has been submitted to the Commission; and,

(5) The complete text of the initiative measure.

If, in the opinion of legal counsel to the Commission, any existing statutory provision or provisions would be affected by the measure, the text of the specific statutory provision or provisions affected shall be printed following the end of the text of the initiative measure.

SOURCE: Law governing 3 GCA §§ 16508-16511.

§ 2109. Same: Mailing of Ballot Pamphlets.

Not less than thirty (30) days prior to an election in which an initiative measure is presented to voters, the Executive Director shall cause to be mailed the ballot pamphlets as specified in 3 GCA §16512.

§ 2110. Same: Form of Ballot.

(a) Proposed initiative measures may appear on the same ballot as that of names of nominees for offices, or on a separate ballot, at the discretion of the Commission. If a measure appears on the same ballot as names of nominees for offices, the measures shall be printed below names of nominees vying for public office. If more than one measure is presented to voters in any election, they shall appear in the order of their alphabetical designation.

(b) Each proposed measure shall appear on the ballot in the following form:

(1) First shall appear the words “Shall Proposal (insert appropriate letter designation) be adopted by the voters of Guam?”;

(2) Next shall appear the ballot title;

(3) Lastly shall appear the words “Yes” and “No”, each word to be printed immediately to the left of a square or oval of sufficient size for the placing of a mark therein.

(c) A mark in the square or oval to the right of the word “Yes” shall be counted as a vote for the measure, and a mark in the square or oval to

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the right of the word “No” shall be counted as a vote against the measure.

SOURCE: Law governing 3 GCA § 16106.

§ 2111. Referendum Procedure Generally.

Referendum Procedure shall be governed by the provisions of the GAR applicable to initiative measures.

§ 2112. Same: Ballot Pamphlets.

The provisions of 6 GAR § 2107 shall apply in the case of a legislative submission measure. For purposes of this Section the words “legislative submission” shall be substituted for the word “initiative” wherever it appears in 6 GAR § 2107.

§ 2113. Same: Mailing of Ballot Pamphlets.

The provisions of 6 GAR § 2108 shall be applicable to ballot pamphlets on a legislative submission measure. For the purposes of this Section, the words “legislative submission” shall be substituted for the word “initiative” wherever it appears in 6 GAR § 2108.

§ 2114. Same: Form of Ballot.

Title 6 GAR § 2109 shall govern the ballot form on a legislative submission measure.