

**3 GCA ELECTIONS
CH. 6 CANDIDATES FOR OFFICE**

**CHAPTER 6
CANDIDATES FOR OFFICE**

NOTE: Unless otherwise noted, all sections within this chapter were included in the original Government Code of Guam enacted by P.L. 1-088 (Nov. 29, 1952), and repealed and reenacted by P.L. 7-164 (Aug. 28, 1964). 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).

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§ 6101. *Liheslaturan Guåhan* (Guam Legislature), Description.

I Liheslaturan Guåhan shall be a unicameral body consisting of fifteen (15) Members who are elected at large and as provided by law.

SOURCE: GC § 2200. Amended by P.L. 13-152:1 (July 1, 1976). Codified as 3 GCA § 6101. Amended by P.L. 16-121:1 (Dec. 23, 1982). Repealed and reenacted by P.L. 17-044:2 (Jan. 18, 1984). Amended by P.L. 25-146:29 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

NOTE: This section was amended by an initiative certified by the Guam Election Commission on November 14, 1996 that was to take effect with the 24th Guam Legislature. However, the 25th Guam Legislature amended this section pursuant to P.L. 25-146:29, and there is no substantive difference between the Initiative and the amendment made by the 25th Guam Legislature.

§ 6102. Terms of Office.

Members of *I Liheslaturan Guåhan* (the Guam Legislature) shall be elected for terms of two (2) years.

SOURCE: GC § 2201. Codified as 3 GCA § 6103. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

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2012 NOTE: This section was added by P.L. 13-152:6 (July 1, 1976) as GC § 2200.1, entitled “*Candidates Must Be Resident*” and codified as 3 GCA § 6102. Repealed by P.L. 17-044:3 (Jan. 18, 1984).

§ 6103. Qualifications of Members.

No person shall be a Member of *I Liheslaturan Guåhan* (the Guam Legislature) who is not a citizen of the United States, who has not attained the age of twenty-five (25) years, and who has not been domiciled in Guam for at least five (5) consecutive years immediately preceding the sitting of *I Liheslatura* (the Legislature) in which he or she seeks to qualify as a Member.

SOURCE: GC § 2203. Codified as 3 GCA § 6105. Amended by P.L. 13-187:41 (Sept. 2, 1976). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2201, entitled “*Terms of office.*” Reenacted as 3 GCA § 6102 by P.L. 31-255:2 (Dec. 11, 2012).

CROSS-REFERENCES: 3 GCA § 6110 (Convicted Felons and Others Shall Not be Candidates); 9 GCA § 82.15 (Forfeiture of Office by Public Official).

§ 6104. Candidacy: Disqualification of Election Officials.

In the event a Commissioner of the GEC or any member of any precinct board of election becomes a candidate for office in any election, he or she shall automatically be disqualified from further Guam Election Commission service, or precinct board, which shall thereupon become vacant.

SOURCE: GC § 2204. Codified as 3 GCA § 6106. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2202, entitled “*Ineligibility.*” Repealed by P.L. 31-255:2 (Dec. 11, 2012).

§ 6105. Person Eligible for Only One (1) Office.

(a) No person shall be eligible for more than one (1) elective office to be filled in the same election. The term “election” as used in this Section includes a general and a local election held on the same date, so as to prohibit a person from running for office in a local election and in a general election at the same time.

(b) No person *shall* be eligible for an office to be filled in an election if sixty (60) days prior to the primary he or she is holding another elective office, the term of which will *not* expire on or prior to the date of

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commencement of the term of office for which he or she is running, with the exception of any elective office for which a special election would be required in the event of a vacancy.

SOURCE: GC § 2205. Amended by P.L. 9-142 (Feb. 15, 1968), P.L. 11-214 (Dec. 29, 1972). Codified as 3 GCA § 6107. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012). Subsection (b) amended by P.L. 32-129:3 (Feb. 10, 2014).

2012 NOTE: This section was originally codified from GC § 2203, entitled "*Same: qualifications of members.*" Repealed and reenacted as 3 GCA § 6103 by P.L. 31-255:2 (Dec. 11, 2012).

§ 6106. Declaration by Sponsors.

A declaration of candidacy may be filed with the Commission by any five (5) registered voters of Guam who jointly propose a candidate for *I Liheslaturan Guåhan*, or for any office, without the signature of that candidate. If the office to be filled is for a municipality or division thereof, only registered voters of the municipality or division concerned may so file a declaration of candidacy.

SOURCE: GC § 2208. Codified as 3 GCA § 6110. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2204, entitled "*Candidacy: disqualification of election officials.*" Reenacted as 3 GCA § 6104 by P.L. 31-255:2 (Dec. 11, 2012).

§ 6107. Candidacy Decline or Acceptance.

Any candidate for whom a declaration of candidacy has been filed either by a political party or by sponsors may decline or accept to be a candidate by making known such declination or acceptance in writing to the Commission within two (2) workings days following the submission of nomination petition papers and all other required documents to the Commission by the sponsor(s).

SOURCE: GC § 2209. Codified as 3 GCA § 6111, entitled "*Candidacy Decline.*" Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2205, entitled "*Same: eligible for only one office.*" Reenacted as 3 GCA § 6105 by P.L. 31-255:2 (Dec. 11, 2012).

§ 6108. Filing of Nominating Petitions.

Notwithstanding any other provision of law, candidates for *I Liheslaturan Guåhan*, offices of *I Maga'lahen Guåhan* [Governor] and *I*

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Segundu Na Maga'lahaen Guåhan [Lieutenant Governor], Washington Representative, Mayor and Vice-Mayor, the Public Auditor and the Attorney General shall file their nomination petition papers and all other required documents with the Commission no earlier than one hundred thirty (130) days before the primary election, and no later than sixty (60) days before the primary election.

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

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

SOURCE: GC § 2210. Codified as 3 GCA § 6112, entitled "*Filing and Distribution of Petitions*." Amended by P.L. 18-030:51 (Feb. 19, 1986). Repealed and reenacted by P.L. 26-119:3 (Aug. 14, 2002). Amended P.L. 28-128:5 (June 27, 2006). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2206, entitled "*Declaration of candidacy*." Repealed by P.L. 31-255:2 (Dec. 11, 2012).

§ 6109. Official Record of Candidacy.

The Commission, with which declarations of candidacies and nominating petition papers are required to be filed, shall keep a record in which shall be entered the name of the candidate or nominee, the title of the office, the party, if applicable, and time of filing.

It shall maintain in its office, for a period of ten (10) years, all declarations and nominating papers filed in accordance with this Chapter.

SOURCE: GC § 2217. Codified as 3 GCA § 6113. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2207, entitled "*Same: by political party*." Repealed by P.L. 31-255:2 (Dec. 11, 2012).

§ 6110. Convicted Felons and Others Shall Not be Candidates.

Notwithstanding any other provision of law, all candidates for any elected public office, board or commission shall not have been convicted of

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a felony, and shall not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

At the time of filing for candidacy with the Commission, a candidate shall submit:

- (a) a clearance from the Guam Police Department;
- (b) a clearance from the Judiciary of Guam; and
- (c) a signed affidavit attesting that the candidate has not been convicted of a felony or misdemeanor, as described in this Section, in any state or territory of the United States, or foreign country. The cost for any clearance required by this Section shall be borne by the person seeking the public office.

SOURCE: Added by P.L. 26-171:1 (Jan. 5, 2003) as 3 GCA § 6114. Amended by P.L. 30-109:2 (Mar. 12, 2010), effective Apr. 1, 2010 pursuant to P.L. 30-109:3. Amended by P.L. 30-134:1 (May 14, 2010), effective retroactively to Apr. 1, 2010 pursuant to P.L. 30-134:2.

2012 NOTE: This section was originally codified from GC § 2208, entitled "*Same: by sponsors.*" Reenacted as 3 GCA § 6106 by P.L. 31-255:2 (Dec. 11, 2012).
