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**CH. 21 GUAM DECOLONIZATION REGISTRY**

**CHAPTER 21**  
**GUAM DECOLONIZATION REGISTRY**

**SOURCE:** Enacted in its entirety by P.L. 25-106:2 (03/24/2000).

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**§ 21000. Legislative Findings and Intent.**

In furtherance of Public Law Number 23-147, now codified as Chapter 21 of Title 1 of the Guam Code Annotated, wherein the Commission on Decolonization was established and given the mandate to conduct a plebiscite on the political status wishes of the people of Guam, *I Liheslaturan Guåhan* finds there is a need for a Registry, separate and apart from the Chamorro Registry authorized by Public Law Number 23-130, now codified as Chapter 20 of Title 3 of the Guam Code Annotated, which will specifically delineate the list of qualified voters for the political status plebiscite, and intends that this separate Registry not be one based on race.

It is the intent of *I Liheslaturan Guåhan* to permit the native inhabitants of Guam, as defined by the U.S. Congress' 1950 Organic Act of Guam to exercise the inalienable right to self-determination of their political relationship with the United States of America.

*I Liheslaturan Guåhan* finds that the right has never been afforded the native inhabitants of Guam, its native inhabitants and land having themselves been overtaken by Spain, and then ceded by Spain to the United States of America during a time of war, without any consultation with the native inhabitants of Guam.

This inalienable right is founded upon the 1898 Treaty of Peace between the United States and Spain; Chapter XI of the United Nations Charter; the United States' yearly reports to the United Nations on the Non Self-governing Territory of Guam; 1950 Organic Act of Guam; United Nations Resolution Number 1541 (XV); United Nations Resolution 1514 (XV); § 307 (a) of the United States Immigration and Nationality Act; and Part I, Article 1, Paragraphs 1 and 3 of the International Covenant on Civil and Political Rights.

*I Liheslaturan Guåhan* notes that the 1950 Congress acknowledged its United Nations' responsibilities:

In addition to its obligation under the Treaty of Paris, the United States has additional treaty obligations with respect to Guam as a non-self-governing Territory. Under Chapter XI of the Charter of the United Nations, ratified by the Senate June 26, 1945 (59 Stat. at p. 1048), we undertook, with respect to the people of such Territories, to insure political advancement, to develop self-government, and taking 'due account of the political aspirations

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of the peoples; \* \* \* to assist them in the progressive development of their free political institutions \* \* \*.' Organic Act of Guam, Sen. Rep. 2109, 1950 *U.S. Code & Admin. Report* p. 2841.

It is the purpose of this legislation to seek the desires to those peoples who were given citizenship in 1950 and to use this knowledge to further petition Congress and other entities to achieve the stated goals.

The intent of this Chapter shall not be construed nor implemented by the government officials effectuating its provisions to be race based, but founded upon the classification of persons as defined by the U.S. Congress in the 1950 Organic Act of Guam.

**§ 21001. Definitions. For Purposes of This Chapter:**

(a) '*Board*' shall mean the Decolonization Registry Board established under the Guam Election Commission for the purposes of guiding the establishment, administration and maintenance of the Guam Decolonization Registry.

(b) '*Commission*' shall mean the Guam Election Commission.

(c) '*Descendant*' shall mean a person who has proceeded by birth, such as a child or grandchild, to the remotest degree, from any '*Native Inhabitant of Guam*,' as defined in Subsection (e), and who is considered placed in a line of succession from such ancestor where such succession is by virtue of blood relations.

(d) '*Guam Decolonization Registry*' shall mean the index of names established by the Guam Election Commission ('*Commission*') for the purposes of registering and recording the names of the Native Inhabitants of Guam.

(e) '*Native Inhabitants of Guam*' shall mean those persons who became U.S. Citizens by virtue of the authority and enactment of the 1950 Organic Act of Guam and descendants of those persons.

**§ 21002. Affidavit of Registration.**

No person shall be registered with the Guam Decolonization Registry, except by affidavit of registration made before the registration clerk of the district or municipality wherein such person resides, or before a registration clerk in the office of the Commission. The Commission shall prepare forms

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for the collection of data pertaining to registration eligibility, Native Inhabitant of Guam family name, and residency.

The Commission shall also require the submission of such additional information and proper documentation as will enable it to comply with this Chapter. The affidavit shall then be made in duplicate and shall set forth all the facts required to be set forth by this Title. Any change of residency must be reported to the Commission within thirty (30) days of such change.

**§ 21002.1. Registration of Qualified CLTC Applicants.**

The Commission *shall* waive the affidavit of registration process for individuals that have received a Chamorro Land Trust Commission lease *or* have been pre-approved to receive a Chamorro Land Trust Commission property lease. Those individuals *shall* be included on the registration roll of the Guam Decolonization Registry and are deemed registered *unless* the lessee requests in writing *not* to be included on the Decolonization Registry.

**SOURCE:** Added by P.L. 30-102:3 (Mar. 12, 2010), effective retroactive to Mar. 1, 1993, pursuant to P.L. 30-102:6.

**§ 21003. Persons Entitled to Register or be Registered.**

Every person who is a Native Inhabitant of Guam, as defined above, or who is descended from a Native Inhabitant of Guam is entitled to register with the Guam Decolonization Registry.

**§ 21004. Same: Minors.**

Individuals below the age of eighteen (18) years, who turn eighteen (18) years on or before the date of the Political Status Plebiscite, shall be entitled to register with the Guam Decolonization Registry by a parent or legal guardian. Such parent or guardian must register such minor by affidavit of registration made before the registration of the district or municipality wherein such minor resides, or before a registration clerk in the office of the Commission. The Commission shall also require the submission of such additional information and proper documentation as will enable it to verify the relationship between parent or guardian and said minor, and to comply with the rest of this Chapter. Any change of residency for such minor must be reported to the Commission within thirty (30) days of such change.

**§ 21005. Same: Off-Island Native Inhabitants of Guam.**

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Persons, who are eligible under this Chapter to register with the Guam Decolonization Registry, but who are not on Guam at such time as they intend to register, may complete and submit, via mail or otherwise, a notarized affidavit of registration to the Commission. Affidavits of registration shall be made available by the Commission. The Commission shall also require from such persons the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency must be reported to the Commission within thirty (30) days of such change.

**§ 21006. Same: Minors.**

Individuals below the age of eighteen (18) years, who are eligible under this Chapter to register with the Guam Decolonization Registry, but who are not on Guam at such time as they are to be registered, may be registered by a parent or legal guardian who shall complete and submit, via mail or otherwise, a notarized affidavit of registration to the Commission on behalf of said minor. The Commission shall require from such parent or guardian the submission of such additional information and proper documentation as will enable the Commission to comply with this Chapter.

Any change of residency must be reported to the Commission within thirty (30) days of such change.

**§ 21007. Times for Registration.**

A person may register with the Guam Decolonization Registry at any time during the year, except at such times when the Commission shall close the registration rolls for the purposes of conducting the Political Status Plebiscite. At such times the registration rolls shall be closed ten (10) days prior to such Political Status Plebiscite.

(a) Exception. For the purposes of registering eligible persons to vote on the plebiscite relative to Guam's political status, the Commission, in consultation with the Commission on Decolonization for the Implementation and Exercise of *Chamorro* Self Determination, shall develop a methodology that will allow a registration process at each of the island's voting precincts and Mayors' offices.

**SOURCE:** Subsection (a) added by P.L. 31-092:3 (Sept. 30, 2011).

**§ 21008. Place of Registration.**

Registration for Native Inhabitants of Guam with the Guam Decolonization Registry shall be in progress at the main office of the

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Commission during such hours as the office is open for business, prior to any closing of the registration rolls. Upon enactment of this Act, the Commission shall deputize as many volunteers to serve as registration clerks in each of the Villages and designated educational institutions, for an undetermined period after the date of enactment, as is necessary for the purposes of registering eligible persons with the Guam Decolonization Registry. Such registration shall take place at each Mayor's office, Guam Community College, University of Guam, each high school or any other place within the Village designated by the Commission.

Native Inhabitants of Guam shall also be able to register with the Guam Decolonization Registry at such times and places within Guam as the Commission shall deem advisable and convenient, and the Commission shall deputize volunteers for such purposes as well.

**§ 21009. Unlawful Registration a Crime.**

Any person who willfully causes, procures or allows that person, or any person, to be registered with the Guam Decolonization Registry, while knowing that the person, or other person, is not entitled to register with the Guam Decolonization Registry, shall be guilty of perjury as a misdemeanor. The Guam Decolonization Registry shall have such false affidavit of registration automatically stricken from the Registry.

**§ 21010. Permanence of Records.**

Except in the event of cancellation pursuant to this Chapter or the Rules and Regulations, the registration of a Native Inhabitant of Guam is permanent for all purposes. It shall be the duty of the Commission to issue to each registered Native Inhabitant of Guam a card indicating that such person has been registered with the Guam Decolonization Registry.

**§ 21011. Qualification of Registration Clerks for the Guam Decolonization Registry.**

The Commission may appoint any qualified adult as a registration clerk. No person holding an elective office or who is a candidate for elective office shall be appointed as a registration clerk. Under no circumstances may a volunteer clerk deny registration to a person eligible to register or be registered with the Guam Decolonization Registry.

**§ 21012. Compensation for Registration Clerks.**

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3 GCA § 3111 applies to compensation of registration clerks for the Guam Decolonization Registry.

**§ 21013. Registration Clerks Empowered to Take Affidavits.**

3 GCA § 3112 applies to registration clerks of the Guam Decolonization Registry taking affidavits.

**§ 21014. Registration Clerks Not to Charge Fees.**

3 GCA § 3113 applies to Registration Clerks for the Guam Decolonization Registry not charging fees for their registering persons or for the taking of affidavits of registration.

**§ 21015. Return of Documents by Registration Clerks.**

All registration clerks shall return all affidavits of registration and all books or pads in their possession containing stubs, spoiled affidavits or unused affidavit forms to the Commission, which shall file the original and copy of each affidavit separately in a securely locked container or storage space. The timetable for submission of documents by registration clerks and the organization of affidavits shall be determined by the Commission. The original affidavit of registration shall be kept, at all times, in the office of the Commission. The duplicates shall be bound in suitable book or form.

**§ 21016. Penalties for Acts or Omissions.**

Any person having charge of affidavits of registration is guilty of a misdemeanor who:

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

**§ 21017. Reports to the Attorney General.**

The Commission shall report to the Attorney General of Guam the names of any registration clerk who has not complied with the provisions of this Chapter.

**§ 21018. Costs to Registration Clerks.**

3 GCA § 3118 applies to registration clerks for the Guam Decolonization Registry.

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**§ 21019. Certified Copy of Registration as Evidence.**

3 GCA § 3119 applies to applicants for the Guam Decolonization Registry.

**§ 21020. Report of Deaths.**

3 GCA § 3123 applies to the Director of the Department of Public Health and Social Services for the purpose of this Guam Decolonization Registry.

**§ 21021. Action to Compel Registration.**

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

**§ 21022. Action to Compel Cancellation.**

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

**§ 21023. Preservation of Registration Affidavits.**

The Commission shall preserve all un-cancelled affidavits of registration, and the cancelled duplicates, made for the purpose of procuring registration. The affidavits of registration shall constitute the Guam Decolonization Registry required to be kept by the provisions of this Chapter.

**§ 21024. Index of Registrations.**

The Commission shall prepare an index of the Guam Decolonization Registry and provide sufficient copies thereof.

**§ 21025. Index as Public Record; Fee.**

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Upon written demand of any member of the public, the Commission shall furnish to the person one (1) copy of the index of the Guam Decolonization Registry at a charge consistent with the Sunshine Act of 1987, as amended. All moneys so collected shall be deposited into the Treasury of the government of Guam.

**§ 21026. Establishment of Guam Decolonization Registry Board: Composition; Removal of Members; Chairperson; Quorum.**

There is hereby established a Guam Decolonization Registry Board with the following provisions:

(a) There is within the government of Guam and under authority of the Commission the Guam Decolonization Registry Board. The Board shall consist of five (5) members, all of whom shall be Native Inhabitants of Guam, as defined in this Chapter. *I Maga'lahen Guåhan* shall appoint the five (5) members who shall have the following qualifications:

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

(ii) two (2) members who have had a strong background in Guam's historical or genealogical work; and

(iii) one (1) member who has a strong understanding of the issue of Guam's political status or has been extensively involved in the work towards the future exercise of Guam's self-determination.

The members of the Board shall serve for a term of two (2) years. If a vacancy should occur on the Board, said vacancy shall be filled for the remainder of the term only, and by the method originally prescribed for that position's appointment. Every member of the Board who is not in the service of the government, for which he receives an annual compensation, shall be paid Fifty Dollars (\$50.00) for each attendance of a meeting upon that person's duties, with a maximum of One Hundred Dollars (\$100.00) per month.

(b) Any member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds (2/3) of the members elected to *I Liheslaturan Guåhan*.

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(c) The Guam Decolonization Registry Board shall annually elect one (1) of its members as Chairperson. The Chairperson shall preside at all meetings of the Board.

(d) A majority of the members of the Board shall constitute a quorum. The vote of a majority of the Board shall be required to make any action of the Board effective. The rules and regulations for the conduct of the Board are attached herein and labeled as Exhibit A. Changes may be made by the Board in accordance with Guam law.

(e) No member of any of the political status options task force shall serve on the Guam Decolonization Registry Board.

**§ 21027. Same: Ex-officio and Non-voting Members.**

The Executive Director of the Commission; the Chairperson of the Commission; the Executive Director of the Commission on Self-Determination/Decolonization; the Executive Director of the Chamorro Heritage Institute, once established; and the Chairperson of the Committee on Federal and Foreign Affairs of *I Liheslaturan Guåhan*, or its equivalent, shall serve as ex-officio, consulting members of the Board, but shall not be voting members thereof. The Executive Director of the Commission shall also serve as the ex-officio secretary for the Board.

**§ 21028. Same: Duties and Responsibilities.**

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

The Board shall recommend to the Commission the suspension from the performance of said duties any of said clerks who shall fail to comply with its instruction, orders, decisions or rulings, and the appointment of temporary substitutes.

Upon the recommendation of the Commission, *I Maga'lahaen Guåhan* may remove any and all clerks who shall be found negligent of nonfeasance or misfeasance in connection with the performance of their duties relative to the Guam Decolonization Registry. The Board shall coordinate with the Commission an intensive identification and awareness campaign and voter

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registration drive among potentially eligible voters through use of media, direct-mail programs, family networks, public agency infrastructure or any other means to reach those individuals whose right to decolonization is recognized by this Chapter.

**§ 21029. Same: Provision of Forms.**

It shall be the responsibility of the Commission to provide all necessary forms as prescribed by the Board for the establishment of the Guam Decolonization Registry.

**§ 21030. Same: Informational Brochures.**

It shall be the responsibility of the Board to prepare and promulgate informational brochures providing basic information pertaining to the establishment of the Guam Decolonization Registry, eligibility requirements, guidelines for registration and any other such information as the Board should deem necessary for the purposes of educating the general public. The content of the brochures shall be subject to approval by the Commission. Such brochures shall be made available at the main office of the Commission, from registration clerks, and at other locations recommended by the Board and approved by the Commission.

**§ 21031. Same: Powers of the Board.**

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

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