

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

CHAPTER 18
THE CHAMORRO REGISTRY

SOURCE: Former chapter 20 reenacted to this chapter by P.L. 31-255:2 (Dec. 11, 2012).

NOTE: This chapter, formerly entitled "*Verification of Signatures*," was reenacted as 3 GCA § 16601 by P.L. 31-255:2 (Dec. 11, 2012).

- § 18001. Definitions.
- § 18002. Affidavit of Registration.
- § 18003. Persons Entitled to Register or Be Registered.
- § 18004. Same: Minors.
- § 18005. Same: Off-Island Chamorros.
- § 18006. Same: Same: Minors.
- § 18007. Times for Registration.
- § 18008. Place of Registration.
- § 18009. Unlawful Registration as a Crime.
- § 18010. Permanence of Records.
- § 18011. Qualifications of Registration Clerks for the Chamorro Registry.
- § 18012. Compensation for Registration Clerks.
- § 18013. Registration Clerks Empowered to Take Affidavits.
- § 18014. Registration Clerks Not to Charge Fees.
- § 18015. Return of Documents by Registration Clerks.
- § 18016. Penalties for Acts or Omissions.
- § 18017. Reports to the Attorney General.
- § 18018. Costs to Registration Clerks.
- § 18019. Certified Copy of Registration as Evidence.
- § 18020. Report of Deaths.
- § 18021. Action to Compel Registration.
- § 18022. Action to Compel Cancellation.
- § 18023. Preservation of Registration Affidavits.
- § 18024. Index of Registrations.
- § 18025. Index as Public Record; Fee.
- § 18026. Establishment of Chamorro Registry Advisory Board:
Composition; Removal of Members; Chairperson; Quorum.
- § 18027. Same: Ex-officio and Nonvoting Members.
- § 18028. Same: Duties and Responsibilities.
- § 18029. Same: Provisions of Forms.
- § 18030. Same: Informational Brochures.

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

§ 18031. Same: Powers of the Advisory Board.

§ 18001. Definitions.

For the purpose of this Title:

Chamorro shall mean:

(a) all inhabitants of the Island of Guam on April 11, 1899, including those temporarily absent from the Island on that date and who were Spanish subjects; and

(b) all persons born on the Island of Guam prior to 1800, and their descendants, who resided on Guam on April 11, 1899, including those temporarily absent from the Island on that date, and their descendants;

(c) descendant means a person who has proceeded by birth, such as a child or grandchild, to the remotest degree, from any *Chamorro* as defined above, and who is considered placed in a line of succession from such ancestor where such succession is by virtue of blood relations.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20001. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted by P.L. 25-106:12 (Mar. 24, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections (1), (2) and (3) to (a), (b) and (c).

§ 18002. Affidavit of Registration.

No person shall be registered with the Chamorro 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 Guam Election Commission. The Commission shall prepare forms for the collection of data pertaining to registration eligibility, Chamorro 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 shall be reported to the Commission within thirty (30) days of such change.

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20002. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18003. Persons Entitled to Register or Be Registered.

Every person who is Chamorro, as defined in § 18001 above, or who is descended from a Chamorro is entitled to register or, in the case of minors, be registered with the Chamorro Registry.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20003. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18004. Same: Minors.

Individuals under the age of eighteen (18) years, who are eligible under § 18003 of this Chapter to be registered with the Chamorro Registry, are considered minors and shall be registered by a parent or legal guardian. Such parent or guardian shall 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/guardian and said minor and to comply with the rest of this Chapter. Any change of residency for such minor shall be reported to the Commission within thirty (30) days of such change.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20004. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18005. Same: Off-Island Chamorros.

Persons who are eligible under § 18003 of this Chapter to register with the Chamorro Registry, but who are not on Guam at such time as they intend to register, may complete and submit, via certified mail, 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 shall be reported to the Commission within thirty (30) days of such change.

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20005. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18006. Same: Same: Minors.

Individuals under the age of eighteen (18) years, who are eligible under § 18003 of this Chapter to register with the Chamorro 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 certified mail, a notarized affidavit of registration to the Commission on behalf of said minor. The Commission shall require from such parent/guardian the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency shall be reported to the Commission within thirty (30) days of such change.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20006. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18007. Times for Registration.

A person may register with the Chamorro Registry at any time during the year, except at such times when the Commission shall close the registration rolls for the purposes of conducting elections or plebiscites. At such times, the registration rolls shall be closed ten (10) days prior to such election or plebiscite.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20007. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Subsection (a) added by P.L. 31-092:2 (Sept. 30, 2011). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18008. Place of Registration.

Registration for Chamorros with the Chamorro Registry shall be in progress at the main office of the 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, for an undetermined period after the date of enactment, as is necessary for the purposes of registering eligible persons with the Chamorro Registry. Such registration shall take place at each mayor's office or any other place within the village designated by the Commission. Chamorros shall also be able to register with the Chamorro Registry at such times and places within Guam as the

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

Commission shall deem advisable and convenient, and the Commission shall deputize volunteers for such purposes as well.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20008. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18009. Unlawful Registration as a Crime.

Any person who willfully causes, procures, or allows himself or any person to be registered with the Chamorro Registry, while knowing that he or that other person is not entitled to register with the Chamorro Registry, is guilty of perjury as a misdemeanor. An individual who is guilty of submitting a false affidavit of registration with the Chamorro Registry shall have such affidavit of registration automatically revoked.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20009. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18010. Permanence of Records.

The registration of a Chamorro is permanent for all purposes. It shall be the duty of the Commission to issue to each registered Chamorro a card indicating that such person has been registered with the Chamorro Registry.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20010. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18011. Qualification of Registration Clerks for the Chamorro 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 Chamorro Registry.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20011. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18012. Compensation for Registration Clerks.

§ 3111 of Chapter 3 of this Title applies.

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20012. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18013. Registration Clerks Empowered to Take Affidavits.

§ 3112 of Chapter 3 of this Title applies.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20013. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18014. Registration Clerks Not to Charge Fees.

§ 3113 of Chapter 3 of this Title applies.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20014. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18015. 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 a suitable book or form.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20015. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18016. 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.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20016. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18017. Reports to the Attorney General.

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

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20017. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18018. Costs to Registration Clerks.

§ 3117 of Chapter 3 of this Title applies.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20018. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18019. Certified Copy of Registration as Evidence.

§ 3118 of Chapter 3 of this Title applies.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20019. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18020. Report of Deaths.

§ 3122 of Chapter 3 of this Title applies.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20020. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18021. Action to Compel Registration.

If a registration clerk refuses to register any person eligible to register with the Chamorro 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 to compel his registration. In an action under this Section, as many persons may join as plaintiffs, as have causes of action.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20021. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18022. Action to Compel Cancellation.

Any person may proceed by action in the Superior Court 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 him to be made a party defendant. The Commission, and as many persons as there are causes of action against, may be joined as defendants.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20022. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18023. Preservation of Registration Affidavits.

The Commission shall preserve all uncanceled affidavits of registration, and the canceled duplicates, made for the purpose of procuring registration. The affidavits of registration shall constitute the Chamorro Registry required to be kept by the provisions of this Chapter.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20023. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18024. Index of Registrations.

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

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20024. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18025. Index as Public Record; Fee.

Upon written demand of any member of the public, the Commission shall furnish to him or her one (1) copy of the index of the Chamorro Registry at a charge prescribed by the Commission. All moneys so collected shall be covered into the Treasury of the government of Guam.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20025. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18026. Establishment of Chamorro Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum.

There is hereby established a Chamorro Registry Advisory Board with the following provisions:

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

(a) There is within the government of Guam and under authority of the Guam Election Commission the Chamorro Registry Advisory Board. The Board shall consist of five (5) members, all of whom shall be Chamorros, as defined in § 18001 above. *I Maga 'låhen Guåhan* shall appoint the five (5) members, who shall have the following qualifications:

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

(2) two (2) members who have had a strong background in Chamorro historical or genealogical work; and

(3) one (1) member who has a strong understanding of the issue of indigenous peoples, or has been extensively involved in the work towards the future exercise of Chamorro 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 its appointment. Every member of the Board who is not in the service of the government of Guam, for which he or she receives an annual compensation, shall be paid Twenty-Five Dollars (\$25.00) for each attendance of a meeting upon his duties.

(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 Liheslatura* (the Legislature).

(c) The Advisory 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 Board shall promulgate all other rules and regulations as are necessary for its effective operation.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20026. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18027. Same: Ex-officio and Nonvoting Members.

The Executive Director of the Election Commission, the Chairperson of the Election Commission, the Executive Director of the Commission on

3 GCA ELECTIONS
CH. 18 THE CHAMORRO REGISTRY

Self-Determination, the Executive Director of the Chamorro Heritage Institute once established, and the Chairperson of the Committee on Federal and Foreign Affairs of *I Liheslatura* (the Legislature) shall serve as ex-officio members of the Board, but shall not be voting members thereof. The Executive Director of the Election Commission shall also serve as the ex-officio secretary for the Board.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20027. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18028. Same: Duties and Responsibilities.

The Board 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 Chamorro 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 fail to comply with its instruction, orders, decisions or rulings, and the appointment of temporary substitutes. Upon the recommendation of the Commission, *I Maga'låhen Guåhan* may remove any and all clerks who have been found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the Chamorro Registry.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20028. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18029. 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 Chamorro Registry.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20029. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18030. 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 Chamorro Registry, eligibility requirements, guidelines for registration, and any other such information as the Board shall deem necessary for the purposes of educating the general public. The content of the brochures shall be subject to approval by the Commission and by *I Maga'låhen Guåhan*. 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.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20030. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 18031. Same: Powers of the Advisory 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.

SOURCE: Added by P.L. 23-130:2 (Dec. 30, 1996) as 3 GCA § 20031. Effective 90 days from date of enactment pursuant to P.L. 23-130:4. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).
