FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 241-32 (COR), "AN ACT TO *AMEND* § 13106, TO *ADD* A NEW § 13107, AND TO RENUMBER THE EXISTING §§ 13107 AND 13108 OF CHAPTER 13; TO *AMEND* § 6105(b) OF CHAPTER 6, ALL OF TITLE 3, GUAM CODE ANNOTATED; AND TO *AMEND* ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF § 40110 OF TITLE 5 GCA, RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, *PROVIDED* THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS; AND TO *AMEND* SECTION 8 OF CHAPTER VIII OF PUBLIC LAW 32-068, RELATIVE TO LUMP SUM PAYMENT REIMBURSEMENT OF THE MAYORS COUNCIL OF GUAM,"** was on the 3rd day of February, 2014, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 4th day of Feb., 2014, at 6:28 o'clock P .M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 241-32 (COR)
As amended on the Floor.

Introduced by:

R. J. Respicio
T. C. Ada
T. R. Muña Barnes
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* § 13106, TO *ADD* A NEW § 13107, AND TO RENUMBER THE EXISTING §§ 13107 AND 13108 OF CHAPTER 13; TO *AMEND* § 6105(b) OF CHAPTER 6, ALL OF TITLE 3, GUAM CODE ANNOTATED; AND TO *AMEND* ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF § 40110 OF TITLE 5 GCA, RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, *PROVIDED* THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS; AND TO *AMEND* SECTION 8 OF CHAPTER VIII OF PUBLIC LAW 32-068, RELATIVE TO LUMP SUM PAYMENT REIMBURSEMENT OF

THE MAYORS COUNCIL OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 13106 of Chapter 13 of Title 3, Guam Code Annotated, is *amended* to read:

"**§ 13106. Events Causing Vacancy in the Municipal Offices of Mayor and Vice Mayor.**

The municipal offices of Mayor and Vice Mayor become vacant on the happening of any of the following events:

(a) death of the incumbent;

(b) declaration of mental incompetence by a final judgment or final order of a court of competent jurisdiction;

(c) resignation from office;

(d) refusal or failure to assume office;

(e) the decision of a competent tribunal declaring void his or her election;

(f) conviction of a felony, or of a crime involving moral turpitude;

(g) his or her change of residence from the municipality in which he or she was elected;

(h) when an incumbent is incapacitated because of illness and unable to continue for the remainder of the term to which he or she was elected; or

(i) when an incumbent has sought and won election to another office and assumed the new office, constituting *voluntary relinquishment* of the original office.

The occurrence of any event under (a) through (i), with respect to a person or persons elected to office, after the election but before the term of office is to commence, constitutes a vacancy on the date the term commences, *unless* the person or persons so elected is the incumbent, in which case, the vacancy occurs on the date of such event."

Section 2. A new § 13107 is *added* to Chapter 13 of Title 3, Guam Code Annotated, and the existing §§ 13107 and 13108 are renumbered accordingly:

"**§ 13107. Special Election to Fill a Vacancy or Vacancies in the Municipal Offices of Mayors and Vice Mayors.** The Guam Election Commission *shall* call for a special election on a Saturday on or about sixty (60) days after a vacancy occurs in an office of Mayor or Vice Mayor, whenever one (1) or more vacancies occur therein two hundred forty (240) days or more *prior* to the date of the next general election for Mayors and Vice Mayors. There shall be no primary election. Candidates must file their candidacies *no later than* thirty (30) days prior to the special election date. The highest vote-getter (or vote-getters if there is more than one [1] vacancy) *shall* be certified by the Guam Election Commission as elected and *shall* be administered the oath of office immediately to fill the unexpired vacancy. If both Mayor and Vice Mayor offices are vacant, resulting in a special election for two (2) vacancies, the highest vote-getter *shall* become the Mayor-Elect, and the second highest *shall* become the Vice Mayor-Elect."

Section 3. §6105(b) of Chapter 6 of Title 3, Guam Code Annotated, is *amended* to read:

"(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

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."

Section 4. § 40110 (a) and (b) are *amended,* and Subsection (c) is *deleted,* of Chapter 40 of Title 5, Guam Code Annotated, to read:

"**§ 40110. Vacancies.**

(a) Vice-Mayors. A vacancy in the office of the Vice-Mayor *less than* two hundred forty (240) days before the date of the next general election for Mayors and Vice-Mayors *shall* be filled for the unexpired term by a majority vote of the municipal planning council of the municipality in which the vacancy occurs, subject to the advice and consent of *I Liheslatura* (the Legislature).

(b) Mayors. *If* by reason of death, resignation, removal from office, inability or failure to perform, there shall be a vacancy in the office of the Mayor *less than* two hundred forty (240) days before the date of the next general election for Mayors and Vice-Mayors, it *shall* be filled by the Vice-Mayor in a municipality where there is a Vice-Mayor, and there *shall* be a vacancy in the position of Vice-Mayor until the end of the term. In a municipality where there is no Vice-Mayor and the vacancy is *less than* two hundred forty (240) days before the date of the next general election for Mayors and Vice-Mayors, the vacancy *shall* be filled by a majority vote of the municipal planning council of the municipality in which the vacancy occurs, subject to the advice and consent of *I Liheslatura* (the Legislature)."

Section 5. Section 8 of Chapter VIII of Public Law 32-068, Mayors Council of Guam Lump Sum Payment Reimbursement, is *amended* to read:

"**Section 8. Lump Sum Payment Reimbursement.** The sum of Eight Hundred Forty Nine Thousand Two Hundred Twenty Four Dollars

($849,224) is appropriated from the General Fund to the MCOG for its operations and a reimbursement for its FY 2013 lump sum payment for annual leave paid out pursuant to §4111, Chapter 4, Title 4 of the Guam Code Annotated."

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
February 3, 2014

Bill No. 241-32 (COR)
As amended on the Floor

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	↘				
Senator V. Anthony "Tony" ADA	↘				
Senator Frank Blas AGUON Jr.	↘				
Vice-Speaker Benjamin J.F. CRUZ	↘				
Senator Christopher M. DUENAS	↘				
Senator Michael LIMTIACO	↘				
Senator Brant McCREADIE					↘ EX.
Senator Thomas "Tommy" MORRISON	↘				
Senator Tina Rose MUÑA BARNES					↘ Ex.
Senator Vicente (ben) Cabrera PANGELINAN	↘				
Senator Rory J. RESPICIO	↘				
Senator Dennis G. RODRIGUEZ, Jr.	↘				
Senator Michael F. Q.SAN NICOLAS	↘				
Speaker Judith T. WON PAT, Ed.D.	↘				
Senator Aline A. YAMASHITA, Ph.D.	↘				
TOTAL	13				2 Ex.
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass