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From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, August 28, 2020 12:17 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Messages and Communications
Attachments: Public Law No. 35-96.pdf

08-28-20	12:07 PM	08-28-20	Bill No. 391-35 (LS), signed into law as Public Law No. 35-96.	Office of the Governor of Guam	35GL-20-2174

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED
August 28, 2020

35GL-20-2174
Speaker Tina Rose Muña Barnes

AUG 2 8 2020
Time 12:07 ( )AM (X)PM
Received By:

HONORABLE TINA ROSE MUNA BARNES, *Speaker*
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåña, Guam 96910

Re: Bill No. 391-35 (LS) – An Act to Cancel the 2020 Primary Election and to Provide for a Safer 2020 General Election

Dear Madame Speaker,

Just as we know the Guam Election Commission did not easily arrive at the decision to recommend cancelation of the primary election, I understand that reaching this determination was equally difficult for the Legislature. Every election matters. And the people who participate in our elections should never feel as though their decision to exercise their right and perform their civic duty is without value. However, I sign Bill 391, now known as **Public Law No. 35-96**, because I agree with the Commission and the Legislature that at this point in our history, the bigger, more consequential decision we must make is the one to save lives.

I know that the Commission has already begun the planning necessary to ensure a safe general election, and I will support that effort in any way I reasonably can. But, as you know, many of the support services ordinarily utilized during an election are critical to the monumental effort made every day to respond to our current public health emergency. It is, therefore, my hope that the Commission will encourage voters to utilize the early and absentee voting allowances that P.L. No. 35-96 provides, so that we can all safely

exercise our right to vote in a manner that allows us to continue to focus our resources on the urgent task of fighting the spread of the COVID-19 disease.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: Bill No. 391-35 *nka Public Law 35-96*
cc via email: *Sigundo Maga'låhan Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Bill No. 391-35 (LS), "AN ACT RELATIVE TO CANCELLING THE 2020 PRIMARY ELECTION AND PROVIDING FOR A SAFER 2020 GENERAL ELECTION,"** was on the 27th day of August 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 27th day of Aug, 2020, at 8:12 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 8/28/2020

Public Law No. 35-96

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 391-35 (LS)
As amended in the Committee of the Whole.

Introduced by: Tina Rose Muña Barnes
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT RELATIVE TO CANCELLING THE 2020 PRIMARY ELECTION AND PROVIDING FOR A SAFER 2020 GENERAL ELECTION.

BE IT ENACTED BY THE PEOPLE OF GUAM

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that due to the recent spike in COVID-19 cases on Guam, the Guam Election Commission is unable to hold the 2020 Primary Election without jeopardizing the health, safety, and welfare of the people of Guam. The Guam Election Commission

informed *I Liheslatura* that due to *I Maga'hågan Guåhan*'s declaration of Pandemic Condition of Readiness (PCOR) 1, it is uncertain if logistical arrangements needed prior to the 2020 Primary Election can be executed. Furthermore, while *I Liheslaturan Guåhan* has voted down a similar measure previously during PCOR 2, due to an increase in mortality rates, confirmed cases, and hospitalizations due to COVID-19, it is no longer feasible to hold the 2020 Primary Election as the health, safety, and welfare of an estimated 16,410 to 19,145 residents may be subject to undue risk. While the Guam Election Commission previously testified that it was capable of holding the 2020 Primary Election, the Guam Election Commission Board has informed *I Liheslaturan Guåhan* that this is no longer the case. *I Liheslaturan Guåhan* also notes that given the uncertainty regarding COVID-19, immediate steps need to be taken to ensure that safeguards are put in place to ensure that the 2020 General Election can proceed.

Section 2. Cancellation of the 2020 Primary Election. Notwithstanding any other provision of law, or rule or regulation, the 2020 Primary Election shall be canceled, and all qualified candidates for the 2020 Primary Election shall advance to the 2020 General Election.

Section 3. Personal Delivery of Ballot for 2020 General Election. Notwithstanding 3 GCA § 10107, the Guam Election Commission shall deliver a ballot to any qualified elector applying in person at the office of said Commission, provided that such applicant shall complete and subscribe the application heretofore prescribed by 3 GCA Chapter 10; provided however, that said application shall be made not more than forty five (45) days nor less than one (1) day before the date of the election for which the vote is being cast. It is provided further, that said ballot shall be immediately marked, enclosed in the ballot envelope, placed in the return envelope with the proper affidavit enclosed, and immediately returned to the Commission. This provision shall apply only to the 2020 General Election.

Section 4. Permitting Absentee Voting for All Qualified Voters. Notwithstanding 3 GCA § 10101, any qualified voter of Guam may vote in the 2020 General Election during the forty-five (45) day in-office absentee voting period as provided for under this Act.

Section 5. Safety Plan for 2020 General Election. Notwithstanding any other provision of law, rule or regulation, the Guam Election Commission shall adopt a resolution detailing the Commission's safety measures and mitigation efforts to ensure a safe 2020 General Election. The resolution may also include recommendations for alternative voting practices, including but not limited, to mail-in voting or voting centers for the 2020 General Election for legislative action. The Director of the Guam Election Commission shall transmit said resolution to the Speaker of *I Liheslaturan Guåhan* no later than September 14, 2020.

Section 6. Logistical Support. The Governor may, to the extent practicable, provide logistical support and resources, including the detailing of any government personnel as needed, to the Guam Election Commission in order to ensure a safe and successful 2020 General Election.

Section 7. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Office of the Speaker
TINA ROSE MUÑA BARNES
I Mina'Trentai Singko Na Liheslaturan Guahan

August 27, 2020

MEMORANDUM

TO: **All Senators**
FROM: **Speaker Tina Rose Muña Barnes**
SUBJECT: **Waiver of Public Hearing Requirement – Bill No 391-35 (LS)**

Dear Colleagues:

Buenas yan Håfa Adai! Pursuant to Section 1.02(b)(1)(ii) of our Standing Rules, I hereby certify that emergency conditions exist involving danger to public health and safety.

Furthermore, the public hearing requirement for Bill No. 391-35 (LS) is waived in accordance with 2 GCA § 2103(a).

Saina Ma'åse'

Tina Rose Muña Barnes
Speaker, 35th Guam Legislature

Address: 163 W. Chalan Santo Papa Hagåtña, GU 96910
Phone: (671) 477-2520/2521 / Email: speaker@guamlegislature.org / Website: www.guamlegislature.org

Office of the Speaker
TINA ROSE MUÑA BARNES
I Mina'Trentai Singko Na Liheslaturan Guahan

REQUEST FOR PUBLIC HEARING WAIVER

Bill No: 391-35 (LS) **Authored By:** Tina Rose Muña Barnes

Bill Title AN ACT TO CANCEL THE 2020 PRIMARY ELECTION AND TO PROVIDE FOR A SAFER 2020 GENERAL ELECTION.

Does this Bill directly benefit the response efforts of the Government of Guam in its effort to protect the Health and Safety of the People of Guam from COVID-19?
Yes ✓ No ____

Does this Bill directly benefit residents of Guam during this economic crisis due to COVID-19?
Yes ____ No ✓

Does the enactment of this measure have a cost associated with it?
Yes ✓ No ____

If so, please provide the following:

Anticipated Cost: Unknown
Funding Source: General Fund

Based on PL 35-36 will current government revenues/operations be impacted by the reduction of the anticipated funding source?

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TINA ROSE MUÑA BARNES
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If so, please identify the estimated dollar amount reduction in revenues and a corresponding aggregate amount in appropriation reductions in PL35-36. Such reductions shall be specifically identified by fund source, by department/agency, and/or by program or miscellaneous appropriation. Is there consent or support from its respective Directors on this measure?

Should we need to assemble in the Committee of the Whole, have the respective directors and stakeholders been contacted? (Please list each individual party separately):

Name/Title	Agency	Yes/No
Maria Pangelinan, Executive Director	Guam Election Commission	Yes
Arthur San Agustin, Acting Director	DPHSS	Yes
Leevin Camacho, Attorney General of Guam	Office of the Attorney General	Yes

OFB/BBMR:

1) Does the Office of Finance and Budget **OR** the Bureau of Budget Management and Research concur that the statements made regarding the fiscal impact of this proposed measure are accurate?
   Yes_____ No_____

2) Are funds available in the specified funding source to support this measure?
   Yes_____ No_____

Comments:_____

Name & Signature of Certifying individual from BBMR or OFB:

Name	Agency & Title	Signature & Date

Should this section be unattainable, please submit documentation that demonstrates an effort was made.

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TINA ROSE MUÑA BARNES
I Mina'Trentai Singko Na Liheslaturan Guahan

The above information is true and correct. This bill addresses an immediate emergency and I am requesting that the public hearing be waived.

Name of Main Author/Senator Making a request to waive Public Hearing Tina Rose Muña Barnes

Signature _____ Date August 26, 2020

Note: Public concerns/comments that have been received with regards to this measure, or any other pertinent document/information can be attached to this document.

Attachments:

A. _____

B. _____

C. _____

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