

# The constitution

**Section 2. Election of governor and lieutenant governor.** The governor and lieutenant governor shall be elected by the qualified voters of Guam at a regular general election and shall serve for a term of four years or until a successor is elected and qualified. Each qualified voter shall cast a single vote applicable to both offices, and the governor and lieutenant governor shall be elected upon receiving a majority of the votes cast. Run-off elections shall be provided by law. A governor and lieutenant governor may not serve more than two consecutive terms in the same office.

**Section 3. Qualifications of governor and lieutenant governor.** The governor and lieutenant governor shall each be a United States citizen, thirty years of age or older, and a bona fide resident of Guam for at least fifteen years immediately preceding the date of taking office.

**Section 4. Powers of governor and lieutenant governor.** a) The governor shall have those duties provided in this constitution and by law.

b) The governor shall report to the legislature once a year on the affairs of Guam, including the recommendation of bills the governor considers necessary or desirable, and may report and recommend bills at other times.

c) Unless otherwise provided in this constitution, the governor shall be responsible for proper and efficient governmental operations and shall appoint and may remove the directors of departments and agencies. An appointment shall be submitted promptly to the legislature and shall become effective sixty calendar days after submission unless disapproved by a majority of the members of the legislature.

d) The governor may declare a state of emergency in case of invasion, civil disturbance, natural disaster, or other calamity and mobilize available resources to respond to that emergency. A declaration of a state of emergency may be nullified upon a vote of two-thirds of the members of the legislature and may only be extended to more than seven calendar days with the concurrence of two-thirds of the members of the legislature.

e) The governor may grant reprieves, commutations, and pardons after conviction for any offense, subject to procedures as provided by law.

f) The governor shall submit to the legislature, by a date set by law, a budget for the succeeding two fiscal years setting forth in detail all proposed expenditures, anticipated revenues for the government, and the operational expenses of each department and agency; explanations of changes from estimates previously submitted; and a general appropriation bill authorizing expenditures and other bills containing recommendations for new or additional revenues for the next fiscal year. Once an annual budget is adopted by the legislature, the governor may not reallocate appropriated funds except as provided by law. If an annual budget is not enacted before the first day of the fiscal year, appropriations for government operations shall be at the level of the previous fiscal year's budget until a new budget is enacted.

g) The lieutenant governor shall have those duties provided in this constitution and by law or assigned by the governor. The lieutenant governor may not assume a constitutional duty of the governor except under section 8 of this article or when assigned duties by the governor in writing.

## Section 5. Auditor general.

a) The auditor general shall be a qualified voter of Guam, a bona fide resident of Guam for at least two years immediately preceding the date of taking office, and have educational and professional experience as may be required by law. The auditor general shall be elected at a regular general election on a non-partisan ballot and shall serve for a term of four years or until a successor is elected and qualified.

b) The auditor general shall audit the receipt, possession, and disbursement

of public funds, and subdivisions of government and shall perform other duties as may be provided by law. The auditor general shall make an annual public report to the governor and the legislature. The auditor general is authorized to communicate directly with any person, department, or agency, to summon witnesses, and to administer oaths, and each department and agency shall furnish to the auditor general information on its activities, organization, financial transactions, and methods of business as the auditor general may require. To secure such information, the auditor general may examine any books, documents, papers, or records of a department or agency.

c) The auditor general may not, while in office, actively engage in partisan politics or, within one year of ceasing to hold office, run for other elective office.

## Section 6. Attorney general.

a) The attorney general shall be a qualified voter of Guam, a bona fide resident of Guam for at least two years immediately preceding the date of taking office, and licensed to practice law before the supreme court of Guam. The attorney general shall be elected at a regular general election on a non-partisan ballot and shall serve for a term of four years or until a successor is elected and qualified.

b) The attorney general shall prosecute criminal violations of Guam law, provide legal advice to the government, represent the government in civil matters, and have other duties and responsibilities as provided by law.

c) The attorney general may not, while in office, engage in the private practice of law or actively engage in partisan politics or, within one year of ceasing to hold office, run for other elective office.

**Section 7. Compensation.** The governor, lieutenant governor, auditor general, and attorney general shall receive a salary and allowances as provided by law and may not, while in office, hold another public or private office or receive other compensation for personal services.

## Section 8. Vacancy, absence, and disability.

a) In case of the removal, death, or resignation of the governor, the lieutenant governor shall become governor. If the office of lieutenant governor becomes vacant for any reason, the governor shall appoint a qualified person who shall become lieutenant governor for the remainder of the original term if one year or less remains in the term of office, or, if more than one year remains, who shall act as lieutenant governor until a special election is held to elect a lieutenant governor. If neither the governor nor lieutenant governor is able to serve in the office of governor, the office shall be filled as provided by law.

b) If the governor is physically absent from Guam for more than fifteen consecutive days, the lieutenant governor shall act as governor. If the governor is physically absent from Guam at the time of any emergency, the lieutenant governor shall assume the governor's powers under section 4(d) of this article. If the lieutenant governor is absent or otherwise unable to act as governor, the office shall be filled temporarily as provided by law. If the governor and lieutenant governor are simultaneously absent for more than thirty consecutive days, those offices become vacant, and a special election shall be held to elect a governor and lieutenant governor.

c) If the governor is temporarily unable to discharge the duties of office because of physical or mental disability, the lieutenant governor shall act as governor. If the lieutenant governor is unable to act as governor, the office shall be filled temporarily as provided by law. All the justices of the supreme court, upon the petition of two-thirds of the members of the legislature, shall determine all questions with respect to the disability of the governor or lieutenant governor.

## Section 9. Administrative departments.

The number of executive departments, agencies, and instrumentalities of the government and their respective functions, powers, and duties shall be provided by law. The governor, through the issuance of executive orders consistent with law, may make changes in the allocation of departments, agencies, and instrumentalities and in their functions, powers, and duties as may be necessary for efficient administration.

## ARTICLE V. LEGISLATIVE BRANCH

**Section 1. Legislative power.** The legislative power of Guam is vested in a single house designated the legislature of Guam and extends to all subjects of legislation.

**Section 2. Composition of the legislature.** The legislature shall have no less than fifteen and no more than twenty-seven members. Each legislator shall be elected by district at a regular general election and shall serve for a term of two years or until a successor is elected and qualified. Each voter residing in a legislative district shall be permitted to vote for the whole number of candidates to be elected within that district. The legislature shall be the judge of the election and qualifications of its members and may by law vest in the courts the trial and determination of contested elections.

**Section 3. Qualifications of legislators.** Each member of the legislature shall be a qualified voter of Guam and a bona fide resident of Guam for at least five years and of the district the legislator will represent for at least one year immediately preceding the date of taking office.

## Section 4. Reapportionment and redistricting.

a) Guam shall be divided into no less than five compact and contiguous districts separated to the extent practicable by historical or geographical boundaries so that each legislator represents approximately the same number of registered voters based on the number of registered voters in the most recent regular general election for governor.

b) A legislative reapportionment commission shall be constituted every eight years and within 120 days of the preceding regular general election. The commission shall consist of three members selected by the presiding officer of the legislature and three members selected by each minority party leader in the legislature. A vacancy in the commission shall be filled by the initial selection authority within fifteen days after the vacancy occurs. A vacancy not filled within the time specified shall be filled promptly thereafter by the supreme court. The commission shall select a chairman from among its members, shall act by a majority vote of its members, and shall adopt its own rules of procedure except as provided by law. Its members shall be compensated and reimbursed for necessary expenses. A member of the reapportionment commission shall not be eligible to become a candidate for election to the legislature in either of the next two regular general elections under a reapportionment or redistricting plan. Within 120 days, the commission shall publish its reapportionment or redistricting plan, which shall become law upon publication.

c) If a plan pursuant to section 4(b) has not been published within the applicable 120-day period, the supreme court, within thirty days after the expiration of the 120-day period, shall promulgate a reapportionment or redistricting plan, which shall become law upon publication.

d) Upon the petition of any voter, the supreme court shall have original jurisdiction to review a plan and to amend it to comply with the requirements of this constitution within sixty days after the publication of the plan.

**Section 5. Vacancies.** A vacancy in the legislature shall be filled by special election if more than six months of the unexpired term remains, or, if the six months or less of the unexpired term remains, shall remain vacant until the next regular general election.

members of the legislature shall receive a salary and allowances as provided by law. A change in compensation may not apply to the legislature that enacts it and may not be enacted in the period between the date of a regular general election and the date a new legislature takes office.

**Section 7. Sessions.** The legislature shall hold its initial meeting on the first Monday of January in the year following the regular general election and shall meet as a continuous body for two years. The legislature may be convened in special sessions by its presiding officer or at the written request of a majority of the members or by the governor. When meeting pursuant to a call by the governor, the legislature shall consider only those subjects described in the call.

**Section 8. Immunity.** Members of the legislature may not be questioned in any place for any written or oral statement made in the legislature. Members of the legislature may not be subject to arrest while going to or coming from a meeting of the legislature except for commission of a felony or breach of the peace.

**Section 9. Organization and procedures.** The legislature shall choose its presiding officer from among its members, shall determine its rules of procedure, and may compel the attendance of absent members and discipline its members. A majority of the members of the legislature shall constitute a quorum to do business. The legislature shall keep a journal of its proceedings which shall be published from day to day. The legislature may compel the attendance and testimony of witnesses and the production of books and papers before the legislature or its committees with the approval of a majority of its members.

## Section 10. Bills.

a) The legislature may not pass a bill except by an affirmative vote of a majority of its members. The legislature may not take final action on a bill until it considers the bill at a public hearing for which four days advance notice was published, except that the notice or hearing requirement may be waived in case of emergency by a vote of two-thirds of the members of the legislature. Final action on a bill may be taken only at a public session.

b) Each bill, except bills for general appropriations or for the codification or rearrangement of existing laws, shall contain only one subject.

c) A general appropriation bill shall contain only appropriations for the ordinary expenses of the legislature, executive, or judicial branches, for interest on the public debt, or for public schools. Every other appropriation shall be made by a separate bill, containing only one subject. No appropriation shall be made unless sufficient revenues are anticipated to cover the appropriation.

d) A legal challenge to legislative compliance with this section must be filed within thirty days of the enactment of the challenged law.

## Section 11. Action by the governor on bills.

a) A bill passed by the legislature shall be presented to the governor within fifteen calendar days of its passage and shall become law when signed by the governor. If the governor vetoes a bill, it shall be returned to the legislature within fifteen calendar days, with a statement of reasons for the veto. The governor may reduce or veto an item in an appropriation bill and sign the remainder of the bill, returning the item reduced or vetoed to the legislature within fifteen calendar days with reasons for the action, or refer a bill to the legislature with recommendation for amendment. A bill not signed, vetoed, or referred within fifteen calendar days of presentation to the governor shall become law.

b) A bill or item of a bill vetoed or reduced by the governor may be considered by the legislature within thirty calendar days of its return and shall become law as originally passed upon the affirmative vote of two-thirds of the members of the legislature. The