

1 1) All inhabitants of the island of Guam on April 11, 1899,
2 including those temporarily absent from the island on
3 that date, who were Spanish subjects, who after that
4 date continued to reside in Guam or other territory over
5 which the United States exercises sovereignty, and
6 have taken no affirmative steps to preserve or acquire
7 foreign nationality; and

8 2) All persons born in the island of Guam, who resided in
9 Guam on April 11, 1899, including those temporarily
10 absent from the island on that date, who after that date
11 continued to reside in Guam or other territory over
12 which the United States exercises sovereignty, and who
13 have taken no affirmative steps to preserve or acquire
14 foreign nationality.

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

20 (c) **The Chamorro Registry** means the index of names established by
21 the Guam Election Commission for the purposes of registering
22 and recording the names of Chamorros.

23 (d) **The Commission** means the Guam Election Commission.

24 (e) **The Board** means the Chamorro Registry Advisory Board
25 established under the Guam Election Commission for the

1 purposes of guiding the establishment, administration, and
2 maintenance of the Chamorro Registry.

3 **Section 20002. Affidavit of Registration.** No person shall be registered
4 with the Chamorro Registry except by affidavit of registration made before
5 the registration clerk of the district or municipality wherein such person
6 resides, or before a registration clerk in the office of the Guam Election
7 Commission. The Commission shall prepare forms for the collection of data
8 pertaining to registration eligibility, Chamorro family name, and residency.
9 The Commission shall also require the submission of such additional
10 information and proper documentation as will enable it to comply with this
11 Chapter. The affidavit shall then be made in duplicate and shall set forth all
12 the facts required to be set forth by this Title. Any change of residency must be
13 reported to the Commission within thirty (30) days of such change.

14 **Section 20003. Persons Entitled to Register or be Registered.** Every
15 person who is Chamorro, as defined in Section 20001 above, or who is
16 descended from a Chamorro is entitled to register or, in the case of minors, be
17 registered with the Chamorro Registry.

18 **Section 20004. Same: Minors.** Individuals below the age of eighteen
19 (18) years, who are eligible under Section 20003 of this Chapter to be
20 registered with the Chamorro Registry, are considered minors and must be
21 registered by a parent or legal guardian. Such parent or guardian must
22 register such minor by affidavit of registration made before the registration
23 of the district or municipality wherein such minor resides, or before a
24 registration clerk in the office of the Commission. The Commission shall also
25 require the submission of such additional information and proper
26 documentation as will enable it to verify the relationship between

1 parent/guardian and said minor and to comply with the rest of this Chapter.
2 Any change of residency for such minor must be reported to the Commission
3 within thirty (30) days of such change.

4 **Section 20005. Same: Off-island Chamorros.** Persons, who are eligible
5 under Section 20003 of this Chapter to register with the Chamorro Registry,
6 but who are not on Guam at such time as they intend to register, may
7 complete and submit, via certified mail, a notarized affidavit of registration
8 to the Commission. Affidavits of registration shall be made available by the
9 Commission. The Commission shall also require from such persons the
10 submission of such additional information and proper documentation as will
11 enable it to comply with this Chapter. Any change of residency must be
12 reported to the Commission within thirty (30) days of such change.

13 **Section 20006. Same: Same: Minors.** Individuals below the age of
14 eighteen (18) years, who are eligible under Section 20003 of this Chapter to
15 register with the Chamorro Registry, but who are not on Guam at such time
16 as they are to be registered, may be registered by a parent or legal guardian
17 who shall complete and submit, via certified mail, a notarized affidavit of
18 registration to the Commission on behalf of said minor. The Commission
19 shall require from such parent/guardian the submission of such additional
20 information and proper documentation as will enable it to comply with this
21 Chapter. Any change of residency must be reported to the Commission within
22 thirty (30) days of such change.

23 **Section 20007. Times for Registration.** A person may register with the
24 Chamorro Registry at any time during the year except at such times when the
25 Commission shall close the registration rolls for the purposes of conducting

1 elections or plebiscites. At such times, the registration rolls shall be closed ten
2 (10) days prior to such election or plebiscite.

3 **Section 20008. Place of Registration.** Registration for Chamorros with
4 the Chamorro Registry shall be in progress at the main office of the
5 Commission during such hours as the office is open for business, prior to any
6 closing of the registration rolls. Upon enactment of this Act, the Commission
7 shall deputize as many volunteers to serve as registration clerks in each of the
8 villages, for an undetermined period after the date of enactment, as is
9 necessary for the purposes of registering eligible persons with the Chamorro
10 Registry. Such registration shall take place at each mayor's office or any
11 other place within the village designated by the Commission. Chamorros
12 shall also be able to register with the Chamorro Registry at such times and
13 places within the Territory as the Commission shall deem advisable and
14 convenient, and the Commission shall deputize volunteers for such purposes
15 as well.

16 **Section 20009. Unlawful Registration as a Crime.** Any person who
17 willfully causes, procures, or allows himself or any person to be registered
18 with the Chamorro Registry, while knowing that he or that other person is
19 not entitled to register with the Chamorro Registry, is guilty of perjury as a
20 misdemeanor. An individual who is guilty of submitting a false affidavit of
21 registration with the Chamorro Registry shall have such affidavit of
22 registration automatically revoked.

23 **Section 20010. Permanence of Records.** The registration of a
24 Chamorro is permanent for all purposes.

1 It shall be the duty of the Commission to issue to each registered
2 Chamorro a card indicating that such person has been registered with the
3 Chamorro Registry.

4 **Section 20011. Qualification of Registration Clerks for the Chamorro**
5 **Registry.** The Commission may appoint any qualified adult as a registration
6 clerk. No person holding an elective office or who is a candidate for elective
7 office shall be appointed as a registration clerk. Under no circumstances may
8 a volunteer clerk deny registration to a person eligible to register or be
9 registered with the Chamorro Registry.

10 **Section 20012. Compensation for Registration Clerks.** Section 3111,
11 Chapter 3, Title 3, applies.

12 **Section 20013. Registration Clerks Empowered to Take Affidavits.**
13 Section 3112, Chapter 3, Title 3, applies.

14 **Section 20014. Registration Clerks Not to Charge Fees.** Section 3113,
15 Chapter 3, Title 3, applies.

16 **Section 20015. Return of Documents by Registration Clerks.** All
17 registration clerks shall return all affidavits of registration and all books or
18 pads in their possession containing stubs, spoiled affidavits, or unused
19 affidavit forms to the Commission which shall file the original and copy of
20 each affidavit separately in securely locked container or storage space. The
21 timetable for submission of documents by registration clerks and the
22 organization of affidavits shall be determined by the Commission. The
23 original affidavit of registration shall be kept, at all times, in the office of the
24 Commission. The duplicates shall be bound in suitable book or form.

25 **Section 20016. Penalties for Acts or Omissions.** Any person having
26 charge of affidavits of registration is guilty of a misdemeanor who:

1 (a) Neglects or refuses to make all the entries provided for in
2 this Title; or,

3 (b) Fails or neglects to comply with any provision of this
4 Chapter.

5 **Section 20017. Reports to the Attorney General.** The Commission shall
6 report to the Attorney General of Guam, under oath, the names of any
7 registration clerk who has not complied with the provisions of this Chapter.

8 **Section 20018. Costs to Registration Clerks.** Section 3118 of Chapter 3,
9 Title 3, applies.

10 **Section 20019. Certified Copy of Registration as Evidence.** Section
11 3119, Chapter 3, Title 3, applies.

12 **Section 20020. Report of Deaths.** Section 3123 of Chapter 3, Title 3,
13 applies.

14 **Section 20021. Action to Compel Registration.** If a registration clerk
15 refuses to register any person eligible to register with the Chamorro Registry,
16 such person may appeal such refusal to the Commission, and if the
17 Commission upholds or affirms the ruling of the registration clerk, such
18 person may proceed by action in the Superior Court to compel his
19 registration. In an action under this Section, as many persons may join as
20 plaintiffs, as have causes of action.

21 **Section 20022. Action to Compel Cancellation.** Any person may
22 proceed by action in the Superior Court to compel the Commission to cancel
23 any registration made illegally. If the person whose registration is sought to
24 be canceled is not a party to the action, the Court may order him to be made a
25 party defendant. The Commission, and as many persons as there are causes
26 of action against, may be joined as defendants.

1 **Section 20023. Preservation of Registration Affidavits.** The
2 Commission shall preserve all uncanceled affidavits of registration, and the
3 canceled duplicates, made for the purpose of procuring registration. The
4 affidavits of registration shall constitute the Chamorro Registry required to
5 be kept by the provisions of this Chapter.

6 **Section 20024. Index of Registrations.** The Commission shall prepare
7 an index of the Chamorro Registry and provide sufficient copies thereof.

8 **Section 20025. Index as public record; fee.** Upon written demand of any
9 member of the public, the Commission shall furnish to him one (1) copy of the
10 index of the Chamorro Registry at a charge prescribed by the Commission.
11 All moneys so collected shall be covered into the Treasury of the Government
12 of Guam.

13 **Section 20026. Establishment of Chamorro Registry Advisory Board:**
14 **Composition; Removal of Members; Chairperson; Quorum.** There is hereby
15 established a Chamorro Registry Advisory Board with the following
16 provisions:

17 (a) There is within the government of Guam and under authority
18 of the Guam Election Commission the Chamorro Registry
19 Advisory Board. The Board shall consist of five (5) members,
20 all of whom shall be Chamorros, as defined in Section 20001
21 above. The Governor shall appoint the five (5) members who
22 shall have the following qualifications:

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

- 1 (ii) two (2) members who have had a strong background in
2 Chamorro historical or genealogical work; and
3 (iii) one (1) member who has a strong understanding of the
4 issue of indigenous peoples or has been extensively
5 involved in the work towards the future exercise of
6 Chamorro self-determination.

7 The members of the Board shall serve for a term of two (2) years. If a
8 vacancy should occur on the Board, said vacancy shall be filled for the
9 remainder of the term only, and by the method originally prescribed for its
10 appointment. Every member of the Board who is not in the service of the
11 Government, for which he receives an annual compensation, shall be paid
12 Twenty-Five Dollars (\$25.00) for each attendance of a meeting upon his
13 duties.

14 (b) Any member may be removed for misconduct in office by a
15 resolution duly adopted by a vote of two-thirds of the members
16 elected to the Legislature.

17 (c) The Advisory Board shall annually elect one (1) of its members as
18 Chairperson. The Chairperson shall preside at all meetings of the
19 Board.

20 d) A majority of the members of the Board shall constitute a quorum.
21 The vote of a majority of the Board shall be required to make any
22 action of the Board effective. The Board shall promulgate all
23 other rules and regulations as are necessary for its effective
24 operation.

25 **Section 20027. Same: Ex-officio and Nonvoting Members.** The
26 Executive Director of the Election Commission, Chairperson of the Election

1 Commission, Executive Director of the Commission on Self-Determination,
2 Executive Director of the Chamorro Heritage Institute once established, and
3 the Chairperson of the Committee on Federal and Foreign Affairs of the
4 Legislature shall serve as ex-officio members of the Board but shall not be
5 voting members thereof. The Executive Director of the Election Commission
6 shall also serve as the ex-officio secretary for the Board.

7 **Section 20028. Same: Duties and Responsibilities.** The Board shall
8 have direct and immediate supervision over the registration clerks
9 designated in accordance with this Chapter to perform duties relative to the
10 establishment, administration, and maintenance of the Chamorro Registry.
11 Where such duties overlap with duties relative to the conduct of elections, the
12 Board shall make recommendations to the Commission relative to the
13 supervision of said clerks, and the Commission shall have the final decision-
14 making authority.

15 The Board shall recommend to the Commission the suspension from the
16 performance of said duties any of said clerks who shall fail to comply with its
17 instruction, orders, decisions or rulings, and the appointment of temporary
18 substitutes. Upon the recommendation of the Commission, the Governor
19 may remove any and all clerks who shall be found guilty of nonfeasance or
20 misfeasance in connection with the performance of their duties relative to the
21 Chamorro Registry.

22 **Section 20029. Same: Same: Provision of Forms.** It shall be the
23 responsibility of the Commission to provide all necessary forms as prescribed
24 by the Board for the establishment of the Chamorro Registry.

25 **Section 20030. Same: Same: Informational Brochures.** It shall be the
26 responsibility of the Board to prepare and promulgate informational

1 brochures providing basic information pertaining to the establishment of the
2 Chamorro Registry, eligibility requirements, guidelines for registration, and
3 any other such information as the Board should deem necessary for the
4 purposes of educating the general public. The content of the brochures shall
5 be subject to approval by the Commission and by the Governor. Such
6 brochures shall be made available at the main office of the Commission, from
7 registration clerks, and at other locations recommended by the Board and
8 approved by the Commission.

9 **Section 20031. Same: Powers of the Advisory Board.** The Board shall
10 have the power to summon the parties to a controversy pending before it,
11 issue *subpoenas duces tecum* and otherwise to take testimony in any
12 investigation or hearing pending before it and delegate such power to any
13 officer. Any controversy submitted to the Board shall be tried, heard, and
14 decided within fifteen (15) days counted from the time corresponding petition
15 giving rise to said controversy is filed. If either party wishes to appeal the
16 decision or ruling of the Board, appeal may be made to the Commission for
17 further consideration of hearing. The Board shall have the power to certify
18 to the Superior Court of Guam for contempt."

19 **Section 3. Powers of Guam Election Commission.** A new Section 2108
20 is added to Chapter 2 of Title 3, GCA, to read:

21 **"Section 2108. Same: The Chamorro Registry and Advisory**
22 **Board.** It shall be the responsibility of the Election Commission to
23 administer the Chamorro Registry with the advice of the Chamorro
24 Registry Advisory Board. It shall also be the duty of the
25 Commission to consider for approval the content of other
26 informational brochures issued by the Board, with the approval to

1 be submitted for consideration by the Governor. When a
2 controversy is brought up and heard before the Board, the
3 Commission shall serve as an appellate board for any ruling
4 rendered by the Board."

5 **Section 4. Effective Date.** This Act shall become effective within ninety
6 (90) days of its enactment.

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 673 (LS), "AN ACT TO ESTABLISH THE CHAMORRO REGISTRY," was on the 13th day of December, 1996, duly and regularly passed.

DON PARKINSON
Speaker

Attested:

JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this _____ day of _____,
1996, at _____ o'clock ____ .M.

Assistant Staff Officer
Governor's Office

APPROVED:

CARL T. C. GUTIERREZ
Governor of Guam

Date: _____

Public Law No. _____

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 673 (LS)

As substituted by Committee

Introduced by:

H. A. Cristobal
J. T. San Agustin

*Make change
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tabs.
Thank
you*

AN ACT TO ESTABLISH THE CHAMORRO REGISTRY.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Legislative Findings and Statement of Intent. The Guam

3 Legislature recognizes that the indigenous ~~Chamorro~~ ^{the Chamorros,} people of Guam have
4 ~~suffered yet persisted~~ ^{endured} as a population with a distinct language and culture ^{despite}
5 ~~through~~ ^{suffering} over three hundred years of colonial occupation by Spain, the United
6 States of America, and Japan. During this period, Chamorros have survived
7 through war, famine, disease, and cultural repression brought about by the
8 Chamorro-Spanish Wars, from 1668 to 1685; Spanish occupation until the
9 Spanish-American War of 1898; the arrival of the Americans after the Treaty
10 of Peace between the United States of America and Spain; and the Japanese
11 occupation of Guam during World War II, from 1941 to 1944.

12 The Legislature also finds that, during their respective periods of
13 occupation, the Spanish, American, and Japanese governments ^{each} conducted ^{an}
14 islandwide census to identify and verify the number of indigenous Chamorros
15 living ⁱⁿ on Guam. These censuses serve as historical documentation of the
16 survival of Chamorros through war, foreign occupation, and peace, and they
17 have been useful as genealogical tools to help identify these survivors and

✓ 1 trace their descendants. The Legislature recognizes its responsibility of ^{for} ~~for~~ ✓
2 establishing a mechanism that will function similarly in ^{recording} ~~taking~~ historical ✓
3 ~~record~~ of the progress and identity of the ^{ok} ~~indigenous~~ Chamorro people of ✓
4 Guam. Such a mechanism may then be used for historical, ethnological, and
5 genealogical purposes as well as for the future exercise of self-determination
6 by the ^{ok} ~~indigenous~~ Chamorro people of Guam.

7 The Guam Legislature, in fulfilling its responsibility, endeavors to
8 memorialize the ^{ok} ~~indigenous~~ Chamorro people by establishing a registry of the
9 names of those Chamorro individuals, families, and their descendants who
10 have survived over three hundred years of colonial occupation and who
11 continue to develop as one Chamorro people on their homeland, Guam. This
12 registry shall serve as a tool to help educate Chamorros about their status as
13 an indigenous people and the inalienable right of self-determination which
14 they possess, a right recognized and promoted by Article 1 and Article 55 of
15 the United Nations Charter ^{is support of} ~~is support of~~ "friendly relations among nations
16 based on respect for the principle of equal rights and self-determination of
17 peoples." ^{11.7} The registry shall also reiterate the obligation of the United States
18 of America to the indigenous people of Guam, under Article 73 of the United
19 Nations Charter, which calls for all member nations to assist the people of
20 the non-self-governing territories "to develop self-government, to take due
21 account of the political aspirations of the peoples, and to assist them in the
22 progressive development of their free political institutions." ✓

23 The Guam Legislature finds this registry to be consistent with the Guam
24 Commonwealth Draft Act, each section of which was democratically
25 approved by the people of Guam and which explicitly recognizes the
26 Chamorro people's right of self-determination. The Legislature intends for

1 this registry to assist in the process of heightening local awareness among the
2 people of Guam of the current struggle for Commonwealth, of the identity of
3 the ^{ok}indigenous Chamorro people of Guam, and of the role that Chamorros
4 and ~~their~~ succeeding generations play in the island's cultural survival and in
5 Guam's political evolution towards self-government.

6 **Section 2. The Chamorro Registry.** A new Chapter 20 is hereby added
7 to Title 3, Guam Code Annotated, to read:

8 **"CHAPTER 20"**

9 **THE CHAMORRO REGISTRY**

10 **Section 20001. Definitions.**

11 **Section 20002. Affidavit of Registration.**

12 **Section 20003. Persons Entitled to Register or Be Registered.**

13 **Section 20004. Same: Minors.**

14 **Section 20005. Same: Off-Island Chamorros.**

15 **Section 20006. Same: Same: Minors.**

16 **Section 20007. Times for Registration.**

17 **Section 20008. Place of Registration.**

18 **Section 20009. Unlawful Registration as a Crime.**

19 **Section 20010. Permanence of Records.**

20 **Section 20011. Qualifications of Registration Clerks for the**
21 **Chamorro Registry.**

22 **Section 20012. Compensation for Registration Clerks.**

23 **Section 20013. Registration Clerks Empowered to Take**
24 **Affidavits.**

25 **Section 20014. Registration Clerks Not to Charge Fees.**

26 **Section 20015. Return of Documents by Registration Clerks.**

1 Section 20016. Penalties for Acts of Omissions.
2 Section 20017. Reports to the Attorney General.
3 Section 20018. Costs to Registration Clerks.
4 Section 20019. Certified Copy of Registration as Evidence.
5 Section 20020. Report of Deaths.
6 Section 20021. Action to Compel Registration.
7 Section 20022. Action to Compel Cancellation.
8 Section 20023. Preservation of Registration Affidavits.
9 Section 20024. Index of Registrations.
10 Section 20025. Copies of Index to Candidates.
11 Section 20026. Establishment of Chamorro Registry Advisory
12 Board: Composition; Removal of Members;
13 Chairperson; Quorum.
14 Section 20027. Same: Ex-officio and Nonvoting Members.
15 Section 20028. Same: Duties and Responsibilities.
16 Section 20029. Same: Same: Provisions of Forms.
17 Section 20030. Same: Same: Informational Brochures.
18 Section 20031. Same: Powers of the Advisory Board.
19 Section 20001. Definitions. For the purpose of this Title:
20 (a) **Chamorro** means those persons defined by the U.S. Congress
21 in Section IV of the Organic Act of Guam (Act of August 1,
22 1950, 64 Stat. 384), pursuant to Article IX of the Treaty of
23 Peace between the United States and Spain (signed in Paris,
24 December 10, 1898, and proclaimed April 11, 1899), and their
25 descendants:

1 1) All inhabitants of the island of Guam on April 11, 1899,
2 including those temporarily absent from the island on
3 that date, who were Spanish subjects, who after that
4 date continued to reside in Guam or other territory over
5 which the United States exercises sovereignty, and
6 have taken no affirmative steps to preserve or acquire
7 foreign nationality; and

8 2) All persons born in the island of Guam, who resided in
9 Guam on April 11, 1899, including those temporarily
10 absent from the island on that date, who after that date
11 continued to reside in Guam or other territory over
12 which the United States exercises sovereignty, and who
13 have taken no affirmative steps to preserve or acquire
14 foreign nationality.

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17 as defined above and who is considered placed in a line of
18 succession from such ancestor where such succession is by virtue
19 of blood relations.

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21 the Guam Election Commission for the purposes of registering
22 and recording the names of Chamorros.

23 (d) **The Commission** means the Guam Election Commission.

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25 established under the Guam Election Commission for the

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2 maintenance of the Chamorro Registry.

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7 Commission. The Commission shall prepare forms for the collection of data
8 pertaining to registration eligibility, Chamorro family name, and residency.
9 The Commission shall also require the submission of such additional
10 information and proper documentation as will enable it to comply with this
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22 register such minor by affidavit of registration made before the registration
23 of the district or municipality wherein such minor resides, or before a
24 registration clerk in the office of the Commission. The Commission shall also
25 require the submission of such additional information and proper
26 documentation as will enable it to verify the relationship between

1 parent/guardian and said minor and to comply with the rest of this Chapter.
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3 within thirty (30) days of such change.

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7 complete and submit, via certified mail, a notarized affidavit of registration
8 to the Commission. Affidavits of registration shall be made available by the
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20 information and proper documentation as will enable it to comply with this
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4 the Chamorro Registry shall be in progress at the main office of the
5 Commission during such hours as the office is open for business, prior to any
6 closing of the registration rolls. Upon enactment of this Act, the Commission
7 shall deputize as many ^{de}volunteers to serve as registration clerks in each of the
8 villages, for an undetermined period after the date of enactment, as is
9 necessary for the purposes of registering eligible persons with the Chamorro
10 Registry. Such registration shall take place at each mayor's office or any
11 other place within the village designated by the Commission. Chamorros
12 ~~shall also be able to~~ register with the Chamorro Registry at such times and
13 places within the Territory as the Commission shall deem advisable and
14 convenient, and the Commission shall deputize volunteers for such purposes
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22 registration with the Chamorro Registry shall have such affidavit of
23 registration automatically revoked.

24 **Section 20010. Permanence of Records.** The registration of a
25 Chamorro is permanent for all purposes.

① "volunteers" -- ∴ shall not be paid, But see Sect. 20012 re compensation w/c allows. \$6/hr.

1 It shall be the duty of the Commission to ^{issue} send to each registered
2 Chamorro a card indicating that such person has been registered with the
3 Chamorro Registry.

4 **Section 20011. Qualification of Registration Clerks for the Chamorro**
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