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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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GUTIERREZ ET AL. *v.* ADA ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 99–51. Argued December 6, 1999– Decided January 19, 2000

The Organic Act of Guam, 48 U. S. C. §1422, provides, *inter alia,* that "[i]f no [slate of] candidates [for Governor and Lieutenant Governor of Guam] receive[s] a majority of the votes cast in any election, . . . a runoff election shall be held." Petitioners, candidates running on one slate for Governor and Lieutenant Governor, received a majority of the votes cast for gubernatorial slates in the 1998 Guam general election, but did not receive a majority of the total number of ballots that voters cast. Respondents, petitioners' opponents, sought a writ of mandamus ordering a runoff election. The District Court issued the writ, and the Ninth Circuit ultimately affirmed, interpreting the statutory phrase "majority of the votes cast in any election" to require that a slate receive a majority of the total number of ballots cast in the general election.

Held: The Guam Organic Act does not require a runoff election when a candidate slate has received a majority of the votes cast for Governor and Lieutenant Governor of the Territory, but not a majority of the number of ballots cast in the simultaneous general election. Section 1422 contains six express references to an election for those offices, two of them preceding the phrase "in any election," and four following. So surrounded, "any election" can only refer to an election for Governor and Lieutenant Governor, for words are known by their companions. See, *e.g., Gustafson* v. *Alloyd Co.*, 513 U. S. 561, 575. This reading is confirmed by the fact that, later in §1422, Congress varied the specific modifier when it spoke of the "general election" at which the gubernatorial election would occur. Congress would hardly have used "any election" to mean "general election," only to mention "general election" a few lines further on. It would be equally odd to

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think that after repeatedly using "votes" or "vote" to mean an expression of choice for the gubernatorial slate, Congress suddenly used "votes cast in any election" to mean "ballots cast," as respondents suggest. Congress, indeed, has shown that it recognizes the difference between ballots and votes in the very context of Guamanian elections: From 1972 until 1998, §1712 expressly required that the Guam Delegate be elected "by separate ballot and by a majority of the votes cast for . . . Delegate." To accept respondents' reading would also impute to Congress a strange preference for making it hard to select a Governor, because a runoff would be required even though one slate already had a majority of all those who cared to choose among gubernatorial candidates. Requiring a majority of the total number of voters on election day would also be in some tension with §1422a, which provides for removal of a Governor or Lieutenant Governor upon the vote of at least two-thirds of the total number of persons who actually voted for such office, not the total number who went to the polls. Respondents' two considerations pointing to a contrary reading– that because §1712 specifically states that "a majority of the votes cast for . . . Delegate" is necessary to elect a Delegate, §1422 would require a comparably clear modifier to refer to sufficient votes to elect gubernatorial slates; and that this Court's reading of "any election" would render that phrase a nullity and thus offend the rule against attributing redundancy to Congress– are rejected. Pp. 4–8.

179 F. 3d 672, reversed and remanded.

SOUTER, J., delivered the opinion for a unanimous Court.