



OFFICE OF THE GOVERNOR
GUAM

JUN 13 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By [Signature]

Time 10:30am

Date JUNE 14, 2000

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 227 COR), "AN ACT TO AMEND, REPEAL, REPEAL AND REENACT AND ADD SECTIONS TO TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE ELECTION LAWS OF GUAM AND RESCHEDULING THE POLITICAL STATUS PLEBISCITE", which was vetoed and subsequently overridden by i Liheslatura. This legislation is now designated as Public Law No. 25-146.

Very truly yours,

[Signature]
Madeleine Z. Bordallo
I Maga'Lahen Guåhan, Akto
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
Speaker

00984

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 227 (COR), "AN ACT TO AMEND, REPEAL, REPEAL AND REENACT AND ADD SECTIONS TO TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE ELECTION LAWS OF GUAM AND RESCHEDULING THE POLITICAL STATUS PLEBISCITE," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 12th day of June, 2000, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of twelve (12) members.



ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 13th day of June,
2000, at 2:05 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

Public Law No. 25-146

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 227 (COR)

As substituted by the Author,
amended in the Committee of the
Whole and further amended on the Floor.

Introduced by:

S. A. Sanchez, II
Mark Forbes
E. B. Calvo
A. C. Lamorena, V
L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
M. G. Camacho
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
A. R. Unpingco

**AN ACT TO AMEND, REPEAL, REPEAL AND REENACT
AND ADD SECTIONS TO TITLE 3, AND TO REPEAL
AND REENACT §21110 OF CHAPTER 21 OF TITLE 1,
ALL OF THE GUAM CODE ANNOTATED, RELATIVE
TO REFORMING THE ELECTION LAWS OF GUAM
AND RESCHEDULING THE POLITICAL STATUS
PLEBISCITE.**

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

2 **Section 1. Statement of Legislative Findings.**

I Liheslaturan

3 *Guåhan* finds that in order to assure free, fair and open elections it is necessary
4 that the Guam Election Code be revised to absolutely limit participation in the
5 public elections of the Island to persons who are citizens of the United States,
6 residents of Guam, of age, competent and *not* otherwise legally
7 disenfranchised.

8 **Section 2.** Sections 1111 through 1118 of Title 3 of The Guam Code
9 Annotated are *renumbered* 1112 through 1119; and §1111 is hereby *added* to
10 Title 3 of the Guam Code Annotated to read as follows:

11 **"Section 1111. Runoff Election.** A 'runoff election' is an
12 election held *subsequent* to a general election pursuant to the provisions
13 of §§1422 and 1712 of Title 48 of the United States Code."

14 **Section 3.** Section 2101 of Title 3 of the Guam Code Annotated is
15 hereby *repealed* and *reenacted* to read as follows:

16 **"Section 2101. Election Commission: Composition; Removal**
17 **of Members; Chairman; Quorum.** (a) There is within, as an
18 autonomous instrumentality and an independent commission of
19 the government of Guam, the Election Commission. The
20 Commission shall consist of seven (7) members, all of whom shall
21 be eligible voters on the date of their appointment. *I Maga'lahen*
22 *Guåhan* shall appoint six (6) members from recommendations
23 made by the recognized political parties of Guam. Each of the
24 recognized political parties, *via* a duly passed resolution, shall

1 recommend an equal number of names to *I Maga'lahaen Guãhan* and
2 the six (6) members appointed by *I Maga'lahaen Guãhan* shall be
3 appointed so that the recognized political parties are equally
4 represented. *If* at any time there are more than three (3)
5 recognized political parties, the six (6) members appointed by *I*
6 *Maga'lahaen Guãhan* shall be appointed so that *no more than* two (2)
7 of such members shall be members of the same recognized
8 political party. One (1) member shall be selected and appointed
9 by the six (6) members appointed by *I Maga'lahaen Guãhan*. The
10 appointment of the seventh member of the Commission shall be
11 concurred in by at least four (4) members. The members shall
12 serve for a term of two (2) years. *If* a vacancy should occur on the
13 Commission, said vacancy shall be filled for the remainder of the
14 term only, and by the method originally prescribed for its
15 appointment. No member may be an elected official of the
16 government nor a candidate or nominee for an elected office
17 within the government.

18 (b) Every member of the Commission who is *not* in the
19 service of the government, for which that person receives an
20 annual compensation, shall be paid Fifty Dollars (\$50.00) for each
21 attendance of a meeting upon that person's duties. *Subject* to the
22 availability of funds and in compliance with any applicable
23 provision of law, any member may be reimbursed reasonable

1 expenses authorized by the Commission to be incurred in the
2 performance of that person's office.

3 (c) Any appointed member may be removed for
4 misconduct in office by a resolution duly adopted by a vote of
5 two-thirds (2/3s) of the members elected and serving in *I*
6 *Liheslaturan Guåhan*. At the written request *via* a duly passed
7 resolution of the state central committee of any political party that
8 has recommended the appointment of a member, *I Maga'lahren*
9 *Guåhan immediately* shall remove such member from the
10 Commission. The seventh member chosen by the six (6) politically
11 recommended members may be removed upon a vote by five (5)
12 of the politically appointed members. Any vacancy resulting from
13 the provisions of this Paragraph shall be filled as provided in
14 Paragraph (a).

15 (d) A majority of the members of the Commission shall
16 constitute a quorum and no action of the Commission shall be
17 authorized, *except* upon a vote of four (4) of the members.

18 (e) By majority vote the Commission shall elect annually a
19 Chairman from among its members. The term of the Chairman
20 shall expire on the last day of June."

21 **Section 4.** Section 2102 of Title 3 of the Guam Code Annotated is
22 hereby *amended* to read as follows:

23 **"Section 2102. Executive Director, Appointment Of; Ex Officio**
24 **Secretary of the Commission; Salary Of.**

1 (a) The Commission shall appoint an Executive Director.
2 Said Executive Director shall administer the election law of Guam
3 and shall perform and discharge all of the powers, duties,
4 purposes, functions and jurisdiction hereunder, or which hereafter
5 by law may be vested in the Commission in accordance with the
6 rules of the Commission, and *subject to* the right of appeal to the
7 Commission.

8 (b) The Executive Director shall be the *ex officio* secretary
9 for the Commission, but shall *not* be a voting member thereof. As
10 such secretary, the Executive Director shall keep the minutes of
11 the Commission's proceedings, preserve all reports made to it,
12 keep a record of all examinations held under its direction, and
13 perform such other duties as the Commission shall prescribe.

14 (c) The Executive Director shall be a member of the
15 unclassified service and shall receive an annual salary within a
16 range of compensation to be prescribed by the Commission in
17 accordance with the laws of Guam. Said Executive Director shall
18 serve at the pleasure of the Commission; *provided*, however, that
19 the Executive Director may *not* be removed, *unless* that person's
20 removal is concurred in by four (4) Commission members."

21 **Section 5.** Section 2103 of Title 3 of the Guam Code Annotated is
22 *amended* to read as follows:

23 **"Section 2103. Election Commission, Duties and**
24 **Responsibilities Of; Audit Report; Rule-Making Authority.**

1 (a) The Commission shall have direct and immediate
2 supervision over the municipal and district officials designated in
3 accordance with the laws of Guam to perform duties relative to
4 the conduct of elections. The Commission may suspend from the
5 performance of said duties any of said officials who shall fail to
6 comply with its instructions, orders, decisions or rulings, and
7 appoint temporary substitutes; and the Commission shall remove
8 any such officials who shall be found guilty of nonfeasance or
9 misfeasance in connection with the performance of their duties
10 relative to the conduct of elections.

11 (b) The Commission shall designate such subordinate
12 officers and employees as may be necessary for the efficient
13 performance of its functions and duties, each of whom, if *not*
14 already employed by the government, shall receive a salary to be
15 determined in accordance with the laws of Guam.

16 The Board may retain an attorney who shall be admitted to
17 practice before the courts of Guam, who shall advise the Board
18 and its executive officer on all legal matters pertaining to the
19 Commission. The designated counsel shall represent the
20 Commission in litigation in which the Commission is interested or
21 involved. The terms, conditions and compensation of
22 employment of any such attorney shall be determined by the
23 Board, and the attorney shall serve at the pleasure of the Board.

24 (c) As early as is reasonably possible, but *not* later than
25 June 30 in each odd-numbered year, the Commission shall prepare

1 and deliver an annual report to *I Maga'lahren Guåhan*, the Speaker
2 of *I Liheslaturan Guåhan*, the Chair of the legislative committee
3 with jurisdiction over matters of elections, showing, with respect
4 to the preceding fiscal year:

5 (1) recommendations of the Commission as to
6 amendments or supplementation of laws affecting elections
7 or the office of the Commission; *and*

8 (2) statistical information regarding the elections
9 conducted during the fiscal year.

10 (d) The Commission shall promulgate rules pursuant to
11 Chapter 9 of Title 5 of the Guam Code Annotated necessary and
12 convenient to carry out the provisions of this Title."

13 **Section 6.** Section 2104 of Title 3 of the Guam Code Annotated is
14 hereby *amended* to read as follows:

15 "Section 2104. Election Manual. It shall be the duty and
16 responsibility of the Commission to prepare a public manual of
17 administrative procedures, rules, regulations and forms to be used in
18 the conduct of elections. *After* January 1, 2001, all manuals and
19 publications shall be prepared pursuant to the Administrative
20 Adjudication Law. The manual shall set forth the regulations to be
21 followed by all election officials, as well as the descriptions of the
22 necessary equipment and forms to be used in election procedures."

23 **Section 7.** Section 2106 of Title 3 of the Guam Code Annotated is
24 hereby *amended* to read as follows:

1 **"Section 2106. Powers of the Commission.**

2 (a) The Commission shall have the power to summon the
3 parties to a controversy pending before it, issue subpoenas duces
4 tecum, and otherwise to take testimony in any investigation or
5 hearing pending before it and delegate such power to any officer.
6 Any controversy submitted to the Commission shall be tried,
7 heard and decided within ten (10) days counted from the time the
8 corresponding petition giving rise to said controversy is filed. The
9 Commission shall have the power to certify to the Superior Court
10 of Guam for contempt. No witness fee shall be paid to a person
11 subpoenaed in that person's capacity as a government employee
12 or agent of the Commission.

13 (b) The Commission may sue and be sued in its name.

14 (c) The Commission may take such action as is necessary
15 or appropriate to the carrying out of its powers and duties as
16 specified in this Title, or as may be otherwise imposed upon the
17 Commission by law."

18 **Section 8.** Section 2107 of Title 3 of the Guam Code Annotated is
19 hereby *amended* to read as follows:

20 **"Section 2107. Placement on Ballot.** No person shall be placed
21 on the ballot for election to any public office *unless* the Commission has
22 determined that said person possesses the qualifications for the office
23 for which that person is a candidate."

1 **Section 9.** Section 3102 of Title 3 of the Guam Code Annotated is
2 hereby *amended* to read as follows:

3 **"Section 3102. Affidavit of Registration, Necessity for and**
4 **Contents Of.** (a) No person shall be registered as a voter,
5 *except* by affidavit of registration made before an authorized
6 registration clerk or, in the case of an absentee voter,
7 pursuant to the provisions of §10104 of this Title. Before
8 such affidavit shall be made, the person shall state if that
9 person is currently registered to vote in any other
10 jurisdiction(s).

11 *If* that person answers affirmatively, that person shall
12 identify said jurisdiction and complete and sign an attested
13 statement on a form provided by the Commission which
14 requests the cancellation of that person's registration, and
15 which shall be forthwith forwarded by the Commission to
16 that jurisdiction. *If* that person answers negatively, that
17 person shall nonetheless identify the jurisdiction in which
18 that person last voted. No registration clerk shall register
19 any person *except* upon presentation by the person applying
20 for registration of written evidence that the person is a
21 citizen of the United States who will be *at least* eighteen (18)
22 years of age upon the date of the next election to be
23 conducted by the Commission, and that the person is a
24 resident of Guam.

1 A copy of the evidence of citizenship and residency
2 submitted by the applicant shall be attached to the
3 registration form or absentee ballot application. No person
4 shall be registered *except* upon that person's declaration
5 under penalty of perjury of the street name and number, and
6 municipality or lot number, and municipality where that
7 person resides on Guam, and that the person has been a
8 resident of Guam for *not less than* thirty (30) days
9 immediately preceding the date on which the next election
10 will be held.

11 The Commission's Executive Director shall determine
12 whether the evidence provided by an applicant establishes
13 the person's eligibility to be registered. The Commission's
14 Executive Director shall give written notice of any denial of
15 registration within five (5) working days upon the receipt of
16 the application. Any person whose affidavit or application
17 for an absentee ballot is rejected may appeal the decision to
18 the Commission and, *if* again rejected, to the Superior Court
19 of Guam. No person shall be required to disclose that
20 person's social security number as a condition of registration
21 or voting. The Commission shall prepare forms for the
22 collection of this data, and may require the submission of
23 such additional information as will enable it to comply with
24 this Section. The affidavit shall then be made in triplicate,

1 and shall set forth all the facts required to be shown by this
2 Title and the election manual.”

3 (b) Written evidence of U.S. citizenship for purposes
4 of this Section shall include:

5 (1) U.S. Passport;

6 (2) Certificate of U. S. Citizenship;

7 (3) Certificate of Naturalization;

8 (4) a combination of one (1) document from
9 list (i) and one (1) document from list (ii) as follows:

10 (i) (A) certification of birth abroad
11 issued by the Department of State;

12 (B) original or certified copy of a
13 birth certificate issued by a state, county,
14 municipal authority, commonwealth,
15 district or outlying possession of the
16 United States bearing an official seal;

17 (C) Native American Tribal
18 document;

19 (D) U.S. Citizen ID Card; *and*

20 (E) government of Guam Cedula;

21 (ii) (A) driver’s license or ID card
22 issued by a state or outlying possession of
23 the United States; *provided*, it contains a
24 photograph or information such as name,

1 date of birth, sex, height, eye color and
2 address;

3 (B) ID card issued by Federal, state
4 or local government agencies or entities;
5 *provided*, it contains a photograph or
6 information, such as name, date of birth,
7 sex, height, eye color and address;

8 (C) school ID card with a
9 photograph;

10 (D) voter's registration card;

11 (E) U.S. Military card or draft
12 record;

13 (F) military dependent's ID card;
14 *and*

15 (G) U.S. Coast Guard Merchant
16 Mariner Card.

17 **Section 10.** Section 3104 of Title 3 of the Guam Code Annotated is
18 hereby *amended* to read as follows:

19 **"Section 3104. Times for Registration.** Ten (10) days *prior*
20 *to* any general, primary or special election, the registration rolls shall be
21 closed for that election and no further affidavits of registration shall be
22 accepted by the Commission."

23 **Section 11.** Section 3105 of Title 3 of the Guam Code Annotated is
24 hereby *amended* to read as follows:

1 **"Section 3105. Place of Registration.** The registration of
2 electors shall be in progress at the main office of the Commission during
3 such hours as the office is open for business at all times *prior to* the
4 closing of the registration rolls. Electors may also be registered at such
5 times and places within Guam as the Commission shall deem advisable
6 and convenient from the time registration is open until twenty-one (21)
7 days *prior to* an election."

8 **Section 12.** Section 3107 of Title 3 of the Guam Code Annotated is
9 hereby *amended* to read as follows:

10 **"Section 3107. Application Constitutes Registration.** The
11 application for an absentee ballot shall constitute a sufficient
12 registration of the voter in the municipality, municipal division or
13 district in which the voter resides; *provided*, that the application is
14 received by the Commission *prior to* the closing of the registration rolls,
15 and provided that the provisions of §3102 of this Title pertaining to
16 citizenship, age and residency on Guam are complied with to the same
17 degree as by a person registering under §3102. Such application
18 constituting registration shall be preserved and used by the
19 Commission in the same manner as it preserves and uses affidavits of
20 registration."

21 **Section 13.** Section 3109 of Title 3 of the Guam Code Annotated is
22 hereby *amended* to read as follows:

1 **"Section 3109. Appointment of Registration Clerks.** The
2 Commission shall appoint at least one (1) registration clerk for each
3 district."

4 **Section 14.** Section 3110 of Title 3 of the Guam Code Annotated is
5 hereby *amended* to read as follows:

6 **"Section 3110. Qualifications of Registration Clerks.** The
7 Commission may appoint any qualified elector as a district or volunteer
8 registration clerk. The Commission shall establish by regulation the
9 *minimum* qualifications for appointment as a registration clerk. The
10 Commission, pursuant to the Administrative Adjudication Law, shall
11 set forth a training program for registration clerks which shall include
12 passage of a standardized examination of the applicant's knowledge of
13 the election laws necessary to perform the registration clerk's duties.
14 No person holding an elective office or who is a candidate, or nominee
15 for elective office, shall be appointed or serve as a registration clerk."

16 **Section 15.** Section 3111 of Title 3 of the Guam Code Annotated is
17 hereby *amended* to read as follows:

18 **"Section 3111. Compensation of Registration Clerks.** Any
19 person who is appointed a district registration clerk shall receive
20 compensation at a rate set by the Commission *not more than* one and
21 one-half (1 ½) times the prevailing minimum wage rate. Any employee
22 of the government of Guam who is appointed to be a district
23 registration clerk, and who performs such duties as a part of that
24 person's government employment shall *not* be entitled to receive the

1 compensation authorized by this Section. Volunteer registration clerks
2 shall *not* be paid by the Commission."

3 **Section 16.** Section 3115 of Title 3 of the Guam Code Annotated is
4 hereby *repealed and reenacted* to read as follows:

5 **"Section 3115. Penalty for Acts or Omissions.**

6 (1) Any person authorized by the Commission, having
7 charge of affidavits of registration, or absentee ballot applications
8 submitted in lieu of affidavits of registration, who:

9 (a) neglects or refuses to perform any duty required
10 by law in connection with the registration of voters;

11 (b) neglects or refuses to perform such duty in the
12 manner required by voter registration law;

13 (c) enters, or causes or permits to be entered, on the
14 voter registration records the name of any person in any
15 other manner or at any other time than as prescribed by
16 voter registration law, or enters, or causes or permits to be
17 entered, on such records the name of any person *not* entitled
18 to be thereon; *or*

19 (d) destroys, mutilates, conceals, changes or alters
20 any registration record in connection therewith, *except* as
21 authorized by voter registration law, is guilty of a felony of
22 the third degree. Each and every omission constitutes a
23 *separate* offense.

24 (2) Any person who:

1 (a) knowingly provides false information on an
2 application for voter registration under any provision of this
3 Title;

4 (b) knowingly makes or attests to a false declaration
5 as to that person's qualifications as a voter;

6 (c) knowingly causes or permits oneself to be
7 registered using the name of another person;

8 (d) knowingly causes oneself to be registered under
9 two (2) or more different names;

10 (e) knowingly causes oneself to be registered in two
11 (2) or more precincts;

12 (f) offers to pay another person to assist in
13 registering voters, where payment is based on a fixed
14 amount of money per voter registration;

15 (g) accepts payment for assisting in registering
16 voters, where payment is based on fixed a amount of money
17 per voter registration; *or*

18 (h) knowingly causes any person to be registered or
19 causes any registration to be transferred or canceled, *except*
20 as authorized under this Title, is guilty of a felony of the
21 third degree. Each and every violation constitutes a *separate*
22 offense."

23 **Section 17.** Section 3121 of Title 3 of the Guam Code Annotated is
24 hereby *amended* to read as follows:

1 **"Section 3121. Permanence of Records.** The registration of a
2 voter is permanent for all purposes during that person's life, *unless* and
3 until the affidavit of registration is cancelled by the Commission for any
4 of the causes specified in this Chapter."

5 **Section 18.** Section 3122 of Title 3 of the Guam Code Annotated is
6 hereby *amended* to read as follows:

7 **"Section 3122. Grounds for Cancellation of Registration.**

8 The Commission shall cancel the registration of an elector in the
9 following cases:

- 10 (a) at the request of the person registered;
- 11 (b) when the insanity or mental incompetence of a person
12 registered is legally established;
- 13 (c) Upon the production of a certification from Guam Police
14 Department, or other local or Federal government instrumentality, that
15 the person is confined pursuant to a local or Federal criminal sentence;
- 16 (d) upon the death of the person registered;
- 17 (e) upon the production of a certified copy of a judgment
18 directing the cancellation to be made;
- 19 (f) *if* the person registered has *not* voted in two (2) consecutive
20 general elections, *unless* such person mailed in an absentee ballot that
21 was postmarked on or before the last general election day, but was
22 received after the close of the polls; *provided*, however that in the case of
23 a runoff election, those registered to vote for the general election shall

1 remain eligible to vote in the runoff election, regardless of whether they
2 voted at the immediately preceding general election; *and*

3 (g) upon receipt from any other election agency, domestic or
4 foreign, that the person has registered to vote in that jurisdiction.”

5 **Section 19.** Section 3124 of Title 3 of the Guam Code Annotated is
6 hereby *repealed and reenacted* to read as follows:

7 **“Section 3124. Cancellation of Registration for Failure to Vote.**

8 Within ninety (90) days of the certification of the returns of any regular
9 general election or a runoff election subsequent thereto, the Commission
10 shall cancel the registration of any person who failed to vote in the
11 general election pursuant to §3122(f). The registration of a person who
12 mailed an absentee ballot that was postmarked on or before the general
13 election, but whose ballot was *not* received by the Commission *prior to*
14 the closing of the polls at the general election, or a person who votes in a
15 general election, but who fails to vote in any runoff election held
16 subsequent thereto or a person who failed to vote in the general
17 election, but did vote in a runoff election held subsequent to such
18 general election, shall *not* be considered a person who failed to vote.
19 The affidavit of a person whose registration is cancelled shall be purged
20 from the records of the Commission.

21 The Commission shall notify by mail each person whose
22 registration is cancelled of that fact and that the person is no longer
23 eligible to vote until that person again has registered as provided in this
24 Title. The Commission shall establish by rule a procedure for a person

1 who believes that that person's registration has been cancelled
2 erroneously to challenge such cancellation."

3 **Section 20.** Section 3125 of Title 3 of the Guam Code Annotated is
4 hereby *repealed*.

5 **Section 21.** Section 3130 of Title 3 of the Guam Code Annotated is
6 hereby *amended* to read as follows:

7 **"Section 3130. Index of Registrations.** The Commission
8 shall prepare an index of the registration of voters and provide
9 sufficient copies thereof for use in any regular election. Upon the
10 effective date of this Section, the Commission shall cease to collect the
11 social security numbers of persons registering to vote, and no later than
12 June 30, 2001, the Commission shall purge all social security numbers
13 from its index of registered voters. No later than July 1 of each odd-
14 numbered year, the Commission shall distribute a copy of the index for
15 each municipality to the mayor and vice-mayors thereof. To the extent
16 of their ability, the mayors and vice-mayors shall notify the Commission
17 of any discrepancies they may discover in the index."

18 **Section 22.** Section 3133 is hereby *added* to Title 3 of the Guam
19 Code Annotated to read as follows:

20 **"Section 3133. Original Roster of Electors.** On the day of any
21 election, the Commission shall maintain in its office, or at the Election
22 Return Center in an easily accessible and organized form, the original
23 affidavits of registration with supporting documentation to assist it in

1 disposing of any challenges or questions that may occur during the
2 election."

3 **Section 23.** Section 4101 of Title 3 of the Guam Code Annotated is
4 hereby *amended* to read as follows:

5 **"Section 4101. Designation of Polling Place.** The
6 Commission shall, *not less than thirty (30) days prior to* the date set for
7 any regular election, designate, announce and publish the Official
8 Polling Sites; the Official Precincts, along with the alphabetical range
9 assigned to each precinct, where the ballots are to be cast in such
10 election. In the case of a runoff election, the polling places and precincts
11 shall be the same as in the election precipitating the need for a runoff,
12 *unless* determined otherwise by the Commission."

13 **Section 24.** Section 4103 of Title 3 of the Guam Code Annotated is
14 hereby *amended* to read as follows:

15 **"Section 4103. Appointment of Precinct Boards.** The
16 Commission shall, *not less than sixty (60) days prior to* any election,
17 appoint the members of the several precinct boards. In the case of a
18 runoff election, the precinct boards shall be the same as in the election
19 precipitating the need for a runoff, *unless* determined otherwise by the
20 Commission."

21 **Section 25.** Section 4104 of Title 3 of the Guam Code Annotated is
22 hereby *amended* to read as follows:

23 **"Section 4104. Members and Compensation of Precinct**
24 **Boards.** To each and every precinct designated, the Commission

1 shall appoint a precinct board consisting of an inspector, two (2) judges
2 and two (2) clerks. The concurrence of two (2) members shall be
3 necessary for any ruling of the precinct board. The two (2) clerks shall
4 have no vote.

5 Each member of a precinct board shall be paid One Hundred
6 Seventy Dollars (\$170.00) for services rendered for each election. For
7 pay purposes, a runoff election is a separate election from the election
8 that precipitates the runoff.

9 In the case of a special election, the Commission may conduct the
10 election with only the inspector and two (2) judges.”

11 **Section 26.** Section 4105 of Title 3 of the Guam Code Annotated is
12 hereby *repealed and reenacted* to read as follows:

13 **“Section 4105. Qualifications of Precinct Board Members.**

14 (a) *Except* as provided in Subdivision (b), each member of
15 a precinct board shall be a registered voter of the district in which
16 they are appointed. The member shall serve *only* in the precinct
17 for which they are appointed. The Commission, pursuant to the
18 Administrative Adjudication Act, shall set forth a training
19 program for precinct board members which shall include passage
20 of a standardized examination of the precinct board members’
21 knowledge of the election laws necessary to perform their duties.

22 (b) In order to provide for a greater awareness of the
23 elections process, the rights and responsibilities of voters and the
24 importance of participating in the electoral process, as well as to

1 provide additional members of precinct boards, the Commission
2 may appoint to the position of Clerk, *not more than* two (2)
3 students per precinct. A student may be appointed
4 notwithstanding lack of eligibility to vote, *subject to* the approval
5 of their parents, that the student possesses the following
6 qualifications:

7 (1) is at least sixteen (16) years of age at the time of
8 the election to which the person is serving as a member of a
9 precinct board;

10 (2) is a United States citizen, or will be a citizen at
11 the time of the election to which the person is serving as a
12 member of a precinct board;

13 (3) is a student in good standing attending a public
14 or private secondary educational institution; *and*

15 (4) is a senior and has a grade point average of at
16 least 2.5 on a 4.0 scale.

17 (c) No person holding an elective office, or who is a
18 candidate or nominee for elective office, or who cannot read and
19 write English, shall be appointed or serve as a member of a
20 precinct board.

21 (d) The Commission shall establish by regulation such
22 additional minimum qualifications for appointment as a member
23 of a precinct board as it determines to be necessary."

24 **Section 27.** Section 4108 of Title 3 of the Guam Code Annotated is
25 hereby *amended* to read as follows:

1 **"Section 4108. Publication of Names of Precinct Board**
2 **Members.** The Commission shall publish the names of the members of
3 the precinct board in a daily newspaper of general circulation published
4 on Guam for at least three (3) issues, the last publication to be *not less*
5 *than* one (1) day before the day of election. The Commission shall also
6 distribute the names of the members of the precinct boards to each
7 mayor and vice-mayor."

8 **Section 28.** Section 4115 of Title 3 of the Guam Code Annotated is
9 hereby *repealed*.

10 **Section 29.** Section 6101 of Title 3 of the Guam Code Annotated is
11 hereby *amended* to read as follows:

12 **"Section 6101. I Liheslaturan Guåhan, Description Of.**

13 *I Liheslaturan Guåhan* shall be a unicameral body consisting of fifteen
14 (15) members who are elected at large and as provided by law."

15 **Section 30.** Section 6104 of Title 3 of the Guam Code Annotated is
16 hereby *amended* to read as follows:

17 **"Section 6104. Ineligibility.** No person who is a member of
18 *I Liheslaturan Guåhan* may occupy a position requiring the advice and
19 consent of *I Liheslaturan Guåhan*."

20 **Section 31.** Section 7108 of Title 3 of the Guam Code Annotated is
21 hereby *amended* to read as follows:

22 **"Section 7108. Space for Marking Ballot; Space for Write-in**
23 **Candidates.** (a) Immediately adjacent to the name of each

1 nominee or adjacent to the word incumbent, as the case may be,
2 shall be placed ovals or other spaces of sufficient size for the
3 placing of a mark therein. A clear and distinct mark within the
4 oval or other space adjacent to the name of any nominee or
5 candidate shall be counted as a vote for that nominee or
6 candidate.

7 (b) For each office on a ballot, the Commission shall
8 provide a line, or lines, with an oval or other space to mark to
9 permit votes to be cast for write-in candidates. *If the name filled*
10 *in by a voter adequately identifies the write-in candidate, the vote*
11 *shall be valid for that candidate; provided, that the voter has filled*
12 *in or darkened the adjacent oval or other space that is to be*
13 *marked."*

14 **Section 32.** Section 7109 of Title 3 of the Guam Code Annotated is
15 hereby *amended* to read as follows:

16 "Section 7109. **Ballots Furnished to Precincts.** For each
17 election the Commission shall provide each election precinct with ten
18 (10) ballots for every nine (9), or fraction of nine (9) voters registered in
19 the election precinct."

20 **Section 33.** Section 7116 is hereby *added* to Title 3 of the Guam
21 Code Annotated to read as follows:

22 "Section 7116. **Security of Ballots.** The Commission may
23 promulgate and shall publish in the election manual rules and
24 regulations pursuant to the Administrative Adjudication Law to assure

1 the security of the ballots, and to ensure the integrity of the election
2 process.”

3 **Section 34.** Section 8131 of Title 3 of the Guam Code Annotated is
4 hereby *repealed*.

5 **Section 35.** Section 9107 of Title 3 of the Guam Code Annotated is
6 hereby *amended* to read as follows:

7 **“Section 9107. Posting Registry Indices.** Before opening the
8 polls, the Precinct Board shall post in separate, convenient places, at or
9 near the precinct, and of easy access to the voters, *not less than two (2)*
10 *copies of the index of registration furnished for that precinct. Effective*
11 *July 1, 2001 the indices made available to the voters shall not display the*
12 *social security number of any individual.”*

13 **Section 36.** Section 9115 of Title 3 of the Guam Code Annotated is
14 hereby *amended* to read as follows:

15 **“Section 9115. Persons Permitted Within Barricade; and**
16 **Observers.** Only voters engaged in receiving, preparing or
17 depositing their ballots, the precinct board and any other person
18 permitted by law, shall be permitted to be within the barricade before
19 the closing of the polls. At all times while the precinct officials are
20 present in the precinct and during the time that the ballots are being
21 transported to the election return center established pursuant to §11109
22 of this Title, each recognized political party and each gubernatorial
23 candidate whose name appears on the ballot may have *no more than one*
24 *(1) observer present to witness the conduct of the election and to*

1 challenge any voter. Such observers shall *not* interfere with the precinct
2 officials in the conduct of the election, nor be permitted within the
3 precinct barricade.”

4 **Section 37.** Section 9118 of Title 3 of the Guam Code Annotated is
5 hereby *amended* to read as follows:

6 **“Section 9118. Absence of Precinct Officers.** *Not more than*
7 one (1) member of any precinct board shall be absent from the polling
8 place at any one (1) time.”

9 **Section 38.** Section 9124 of Title 3 of the Guam Code Annotated is
10 hereby *amended* to read as follows:

11 **“Section 9124. Rules for Determining Residency.** Each
12 person’s residency shall be determined individually; that is, no person’s
13 residency shall conclusively determine the residency of that person’s
14 spouse or child. The Commission shall *not* register any applicant who
15 fails to provide sufficient information for it to determine residency. The
16 following rules shall determine the residency of voters, candidates and
17 nominees.

18 (a) The residency of a person is that place where that
19 person lives for a period of *at least* thirty (30) days, maintains that
20 person’s home and to which, whenever that person is absent, that
21 person has the *bona fide* intention to return. For voting purposes, a
22 person may have *only* one (1) residence. Indicia of residence on
23 Guam shall include, but *not* be limited to, payment of Guam
24 personal income taxes, maintaining a home or other living

1 accommodation on Guam, having temporarily departed Guam
2 with the intention of returning, and *not* being registered to vote in
3 any other jurisdiction since departing Guam.

4 (b) A person does *not* gain residency on Guam or any
5 voting district into which that person comes without the present
6 intent of establishing that person's permanent dwelling place
7 within Guam or such voting district.

8 (c) *If* a person resides with one's family in one (1) place,
9 and does business or maintains real property in another place, the
10 former is that person's place of residence; but any person having a
11 family, who establishes one's own dwelling place other than with
12 one's family, with the intention of remaining there, shall be
13 considered a resident where that person established such dwelling
14 place.

15 (d) The mere intention to acquire a new residence without
16 physical presence at such place does *not* establish residence.

17 (e) A person does *not* obtain or lose residency solely by
18 reason of that person's presence or absence while employed in the
19 services of the United States, or of the government of Guam, or
20 while a student at an institution of learning, or while kept in an
21 institution, a hospital, or asylum or while confined in prison.

22 (f) A person loses one's residency in Guam if that person
23 registers to vote or votes in an election held in a place other than
24 Guam.

1 (g) No person who is registered to vote in another
2 jurisdiction may vote on Guam until that person's name is
3 removed from such registration. The Commission shall provide
4 affidavit forms for the removal of names of voters from the
5 election rolls of other jurisdictions.

6 For purposes of establishing residency in a village or
7 municipality, a person must be domiciled in that village or district
8 for at least thirty (30) days immediately *prior to* the election. For
9 voting purposes, a person may have only one (1) place of
10 domicile."

11 **Section 39.** Section 9128 of Title 3 of the Guam Code Annotated is
12 hereby *repealed and reenacted* to read as follows:

13 **"Section 9128. Reporting of Name and Signing Roster.**

14 A person desiring to vote shall state that person's name in full and
15 address to the precinct officials at the polling place. After verifying the
16 person's identity and determining that the person's name appears as a
17 registered voter on the precinct roster, the precinct officials shall clearly
18 and loudly announce the person's name. *If* no person challenges the
19 person's right to vote, or *if*, after a challenge, the precinct board
20 determines that the challenged person is entitled to vote, the person
21 shall be required to sign the roster and then be permitted to vote. In the
22 case of a person who is unable to sign the roster, the precinct officials
23 shall so note that fact on the roster and two (2) of them shall initial the
24 entry and the person shall then be permitted to vote. Any person whose

1 right to vote is denied by the precinct board may *immediately* appeal the
2 decision to the Commission and, *if* unsuccessful, to the Superior Court
3 of Guam.”

4 **Section 40.** Section 9129 of Title 3 of the Guam Code Annotated is
5 hereby *repealed*.

6 **Section 41.** Section 9130 of Title 3 of the Guam Code Annotated is
7 hereby *amended* to read as follows:

8 **“Section 9130. Voter’s Change of Name.** In case the surname
9 of any person offering to vote has been legally changed since that
10 person registered, that person shall report the name as it was before the
11 change, and also that person’s name as it is at the time of the election;
12 *provided*, that the person presents to the precinct officials satisfactory
13 written proof of the change. The precinct board shall thereupon make
14 the necessary adjustment in the register, indicating the reason for the
15 change therein and thereafter permit the person to vote.”

16 **Section 42.** Section 9136 of Title 3 of the Guam Code Annotated is
17 hereby *amended* to read as follows:

18 **“Section 9136. Two (2) or More Candidates or Nominees.**
19 Where two (2) or more persons are to be nominated for or elected to the
20 same office, and the voter desires to vote for that office, the voter shall
21 mark or darken the oval or other space to mark adjacent to the names of
22 all the candidates for that office for whom the voter desires to vote, *not*
23 *exceeding, however*, the number of persons who are to be nominated or
24 elected.”

1 **Section 43.** Section 9146 of Title 3 of the Guam Code Annotated is
2 hereby *amended* to read as follows:

3 **“Section 9146. Accounting for Ballots.** Every precinct
4 board shall account for the ballots delivered to it by returning a
5 sufficient number of unused ballots to make up, when added to the
6 number of official ballots cast and the number of spoiled ballots
7 returned, the number of ballots charged. The Commission, upon
8 receiving returned ballots, shall require such an accounting *prior to*
9 tabulating the returns of the precinct.”

10 **Section 44.** Section 10104(a) of Title 3 of the Guam Code
11 Annotated is hereby *amended* to read as follows:

12 **“Section 10104. Absentee Voting, Federal Requirements.**

13 (a) A voter who (1) is eligible for an absentee ballot, (2)
14 wants to execute an affidavit or form for voter registration, *and* (3)
15 is absent from Guam or is a member of the Armed Forces of the
16 United States, is *not* required to sign the affidavit or form in the
17 presence of a person authorized to administer an oath, and the
18 affidavit or form need *not* be signed by such an oath
19 administrator. The Commission shall inform the voter that no
20 signature other than that of the voter is required on the affidavit
21 or form and that a voter who makes a false statement on the
22 affidavit or form is subject to the penalties of perjury.”

23 **Section 45.** Section 7117 is hereby *added* to Title 3 of the Guam
24 Code Annotated to read as follows:

1 **"Section 7117. Security of Ballots.** The Commission shall
2 promulgate rules and regulations pursuant to the Administrative
3 Adjudication Law for the additional security of the ballots, and to
4 ensure the integrity of the election process during Election Day, which
5 shall be published in the Election Manual. The rules shall provide, *at the*
6 *minimum*, that the ballot boxes be locked and sealed under Commission
7 seal at all times from the time the ballot box leaves the Commission to
8 their opening at the Election Return Center after the polls close; that all
9 Precinct Board members accompany the ballot boxes at all times to the
10 Election Return Center after the polls close along with at least one (1)
11 Guam Police Department Officer; that government of Guam buses be
12 utilized to transport the ballot boxes, the precinct board members and
13 Guam Police Department Officers to the Election Return Center; and
14 that only the Executive Director, or the Deputy Executive Director may
15 open the boxes."

16 **Section 46.** Section 11114 of Title 3 of the Guam Code Annotated
17 is hereby *amended* to read as follows:

18 **"Section 11114. Ballot, Invalid Portions Rejected; Blank Ballots**
19 **and Improperly Marked Ballots are *Not* 'Votes Cast' for Calculating a**
20 **Majority.** *If* a voter indicates either:

21 (a) by placing the voter's marks in the voting ovals or
22 other spaces adjacent to the names of any candidates or nominees;

23 (b) by writing the names of persons for an office in the
24 blank spaces, *or*

1 (c) by a combination of both, the choice of more than
2 there are candidates or nominees to be elected or certified for any
3 office, or *if* for any reason it is impossible to determine the voter's
4 choice for any office, the voter's ballot shall *not* be counted for that
5 office, but the rest of the voter's ballot, *if* properly marked, shall be
6 counted. A ballot that is blank, or that is marked with more
7 candidates or nominees than are to be nominated or elected, is *not*
8 to be included as a part of the base for determining what
9 constitutes a majority in each election requiring a candidate or
10 nominee to garner a majority of votes in order to be nominated or
11 elected."

12 **Section 47.** Section 11122 of Title 3 of the Guam Code Annotated
13 is hereby *amended* to read as follows:

14 **"Section 11122. Sealing and Reviewing Counted Ballots.** As
15 soon as the valid votes marked on the ballots are tabulated and the
16 Commission is satisfied as to the accuracy of the tabulation, such ballots
17 shall *not* thereafter be examined by any person, *except* upon a recount as
18 provided in this Chapter; and as further provided by this Section, but
19 shall be carefully sealed in a strong envelope with the name of the
20 precinct thereon, and a majority of the members of the Commission
21 shall write their names across the seal.

22 The Commission may *not* earlier than thirty (30) days from the
23 date that the elections results are certified and provided that no election
24 contest is pending resolution, unseal the ballot envelope to extract

1 statistical data of which data will be made available to the general
2 public. Upon the completion of the extraction, the ballot envelope shall
3 be resealed and the Commission seal and date shall be affixed across the
4 seal portion."

5 **Section 48.** Section 11130 of Title 3 of the Guam Code Annotated
6 is hereby *amended* to read as follows:

7 **"Section 11130. Incomplete or Ambiguous Precinct Forms.** If
8 the rosters, certificates or other forms from any precinct are incomplete
9 or ambiguous, or *not* properly authenticated, or are otherwise defective,
10 the Commission, by a majority vote, may order issued and served
11 subpoenas requiring the attendance of such persons and records before
12 the Commission."

13 **Section 49.** Sections 13105 of Title 3 of the Guam Code Annotated
14 is hereby *repealed and reenacted* to read as follows:

15 **"Section 13105. Runoff Election.** A runoff election is
16 a continuation of the election that precipitated the need for the runoff
17 and *not* a separate election. Unless otherwise expressly provided in law,
18 the procedures for a general election shall apply to a runoff election."

19 **Section 50.** Sections 13106 through 13108 are hereby *added* to Title
20 3 of the Guam Code Annotated to read as follows:

21 **"Section 13106. Persons Eligible to Vote at Runoff.** The
22 persons eligible to vote at a runoff election shall be the voters who were
23 eligible to vote at the election that precipitated the need for the runoff
24 and those who may register *prior to* the runoff election. The

1 Commission may register new voters up to three (3) days *prior to* a
2 runoff election. *If* a runoff election is required, the Commission shall *not*
3 purge the names of any voters for nonparticipation after a general
4 election until after the runoff election has been held and its results
5 certified.

6 **Section 13107. Mailed Absentee Ballots Not Allowed in**
7 **Runoff.** The Commission shall *not* mail any absentee ballots for a
8 runoff election.

9 **Section 13108. Declaration of Runoff Election.** Upon the
10 Commission determining that a runoff election is required, the
11 Commission shall order a runoff election to be held on the fourteenth
12 (14th) day following the date of the election which precipitated the need
13 for the runoff. The Commission shall publish notice of the runoff
14 election in a newspaper of general circulation on Guam at least four (4)
15 times, with the last notice being issued on the runoff date.”

16 **Section 51.** Section 14108 of Title 3 of the Guam Code Annotated
17 is hereby *amended* to read as follows:

18 **“Section 14108. Intimidation of Voters.** Every person,
19 association or corporation is guilty of a felony of the third degree who
20 directly or indirectly makes use of or threatens to make use of any force,
21 violence or restraint, or inflicts or threatens the infliction, directly or
22 indirectly, any injury, damage, harm or loss, or in any manner practices
23 intimidation upon or against any person in order to induce or compel
24 that person to vote or refrain from voting at any election, or to vote or

1 refrain from voting for any particular person at any election or because
2 any person voted or refrained from voting at any election.”

3 **Section 52.** Section 14109 of Title 3 of the Guam Code Annotated
4 is hereby *amended* to read as follows:

5 **“Section 14109. Wrongful Interference with Voting.** Every
6 person, association or corporation is guilty of a felony of the third
7 degree who by abduction, duress or any forcible or fraudulent device or
8 contrivance whatever impedes, prevents or otherwise interferes with the
9 free exercise of the elective franchise by any voter, or who compels,
10 induces or prevails through any forcible or fraudulent means upon any
11 voter either to give or refrain from giving that person’s vote at any
12 election, or to give or refrain from giving that person’s vote for any
13 particular person or initiative, referendum or legislative referral at any
14 election.”

15 **Section 53.** Section 14111 of Title 3 of the Guam Code Annotated
16 is hereby *amended* to read as follows:

17 **“Section 14111. Unlawful Influence by Employer.** Every
18 employer, whether a corporation, association or a natural person, is
19 guilty of a misdemeanor who within ninety (90) days of any election
20 puts up or otherwise exhibits in any workplace under his, her or its
21 control or management any handbill or placard containing any threat,
22 notice or information that in case any particular ticket of a political
23 party or organization or candidate is elected, work in the employer’s
24 place or establishment will be closed or the salaries or wages of the

1 employees will or may be reduced, or makes or communicates other
2 threats, express or implied, intended or calculated to influence the
3 political opinions or actions of the employees.”

4 **Section 54.** Section 14112 of Title 3 of the Guam Code Annotated
5 is hereby *amended* to read as follows:

6 **“Section 14112. Giving, Offering or Receiving a Bribe.** Every
7 person is guilty of a felony of the third degree who:

8 (a) gives or offers a bribe to any officer or member of any
9 legislative caucus, political convention, committee or political
10 gathering of any kind held for the purpose of nominating
11 candidates for offices of honor, trust or profit on Guam with intent
12 to influence the person to whom the bribe is given or offered to be
13 more favorable to one (1) candidate than another; *or*

14 (b) being a member of any of the bodies in this Section
15 mentioned, receives or offers to receive any such bribe.”

16 **Section 55.** Section 14113 of Title 3 of the Guam Code Annotated
17 is hereby *amended* to read as follows:

18 **“Section 14113. Deceiving Illiterate Voter.** Every person is
19 guilty of a felony of the third degree who furnishes any blind or
20 illiterate voter with a ballot, informing or giving that voter to
21 understand that it contains a name written or printed thereon that is
22 different from the name which is written or printed thereon or defrauds
23 any voter at any election by deceiving and causing that person to vote

1 for a different person for any office than the voter intended or desired to
2 vote.”

3 **Section 56.** Section 14114 of Title 3 of the Guam Code Annotated
4 is hereby *amended* to read as follows:

5 **“Section 14114. Acting Without Authority.** Every person is
6 guilty of felony of the third degree who at any election:

7 (a) knowing that the person has *not* been appointed and
8 qualified, acts as a member of a precinct board; *or*

9 (b) knowing that the person is *not* a member of a precinct
10 board, performs or discharges any of the duties of a member of a
11 precinct board in regard to the handling, counting or canvassing
12 of any ballots.”

13 **Section 57.** Section 14115 of Title 3 of the Guam Code Annotated
14 is hereby *repealed*.

15 **Section 58.** Section 14116 of Title 3 of the Guam Code Annotated
16 is hereby *amended* to read as follows:

17 **“Section 14116. Aiding and Abetting Unlawful Voting.**

18 Every person is guilty of a misdemeanor who procures, assists, counsels
19 or advises another to give or offer that person’s vote at any election,
20 knowing that the person is *not* qualified to vote.”

21 **Section 59.** Section 14117 of Title 3 of the Guam Code Annotated
22 is hereby *amended* to read as follows:

23 **“Section 14117. Fraudulent Voting.** Every person is guilty of
24 a felony of the third degree who:

1 (a) *not* being entitled to vote at an election, votes or
2 fraudulently attempts to vote at that election;

3 (b) being entitled to vote, attempts to vote more than once
4 at the same election;

5 (c) impersonates or attempts to impersonate a voter; *or*

6 (d) votes or attempts to vote while knowing that the
7 person is registered to vote in a jurisdiction other than Guam.”

8 **Section 60.** Section 16602 of Title 3 of the Guam Code Annotated
9 is hereby *amended* to read as follows:

10 **“Section 16602. Bribery.** Any person who offers any bribe or
11 makes promise of gain, or with knowledge of the same, permits any
12 person to offer any bribe or make any promise of gain for that person’s
13 benefit, to any voter to induce that person to sign an election paper, any
14 person who accepts any bribe or promise of gain of any kind as
15 consideration for signing the same, whether the bribe or promise of gain
16 be offered or accepted before or after signing, shall be guilty of a felony
17 of the third degree.”

18 **Section 61.** Section 16109 of Title 3 of the Guam Code Annotated
19 is hereby *amended* to read as follows.

20 **“Section 16109. Vacancies *Not* to be Filled.** In the event that
21 fewer than fifteen (15) candidates are running for *I Liheslaturan Guåhan*
22 within any party, the central committee of such party or parties may *not*
23 fill up the party slate for the primary or general election to a full fifteen
24 (15) nominees with its own nomination by filling those positions which

1 are unfilled because fewer than fifteen (15) candidates ran in that party's
2 primary election."

3 **Section 62.** Section 16205 of Title 3 of the Guam Code Annotated
4 is hereby *repealed and reenacted* to read as follows:

5 **"Section 16205. Nomination Papers; Number of Signatures.**

6 (a) No person shall be certified as a candidate for
7 nomination *unless* the following number of qualified electors shall
8 have signed a petition in favor of the candidate:

9 <u>Office</u>	<u>Number of Signatures</u>
10 Mayor	100
11 Vice Mayor	100
12 Senator	250
13 <i>I Maga'lahaen</i> and	
14 <i>I Segundu na Maga'lahaen</i>	500
15 Delegate to Congress	500.

16 (b) When there are candidates for the mayoral or vice-
17 mayor positions in jurisdictions that had *less than* one thousand
18 (1000) total votes cast in the prior election, the mayoral and vice-
19 mayor candidates in these jurisdictions must acquire five percent
20 (5%) of the qualified electors based from the prior election."

21 **Section 63.** Section 16403 of Title 3 of the Guam Code Annotated
22 is hereby *amended* to read as follows:

23 **"Section 16403.** Any person rightfully in the polling place may
24 challenge the right of any person requesting to vote. The challenge shall

1 be on the grounds that the elector is *not* the person alleged to be, that the
2 elector is *not* entitled to vote on the grounds specified in §9119 of this
3 Title. No other or further challenge shall be allowed. The challenge
4 shall be considered and decided *immediately* by the election officials, a
5 ruling of the majority thereof being final.”

6 **Section 64.** Section 19119 of Title 3 of the Guam Code Annotated
7 is hereby *amended* to read as follows:

8 **“Section 19119. Penalties; Relief.** (a) Any person
9 willfully violating any provision of this Chapter shall, *unless* otherwise
10 expressly stated, be punishable in the manner prescribed as follows:

11 (1) *if* a natural person, that person shall be guilty of a
12 misdemeanor and shall be subject to the penalties specified
13 therefor; *or*

14 (2) *if* a corporation, organization or association, it shall be
15 punishable by a fine *not* exceeding Ten Thousand Dollars
16 (\$10,000.00) per offense; *and*

17 (3) whenever a corporation, organization, or association
18 violates this Chapter, the violation shall be deemed to be also that
19 of the individual directors, officers or agents of the corporation,
20 organization or association who have knowingly authorized,
21 ordered or done any of the acts constituting the violation.

22 (b) any person may sue for injunctive relief to compel
23 compliance with the Chapter.”

1 **Section 65. Date of the Plebiscite, Renaming the “Free**
2 **Association” Status Option.** Section 21110 of Chapter 21 of Title 1 of the
3 Guam Code Annotated, as enacted by §10 of Public Law Number 23-147 and
4 amended by §11 of Public Law Number 25-106, is hereby *repealed and reenacted*
5 to read as follows:

6 **“Section 21110. Plebiscite Date and Voting Ballot. (a)**

7 The Guam Election Commission shall conduct a ‘Political
8 Status Plebiscite’ at which the following question, which shall be
9 printed in both English and Chamorro, shall be asked of the
10 eligible voters:

11 ‘In recognition of your right to self-determination,
12 which of the following political status option do you favor?
13 (Mark ONLY ONE):

- 14 1. Independence ()
15 2. Free Association with the United States of
16 America ()
17 3. Statehood ()’

18 Persons eligible to vote shall include those persons
19 designated as Native Inhabitants of Guam, defined within
20 Chapter 21 of Title 3 of the Guam Code Annotated, as enacted in
21 this Act, who are eighteen (18) years of age or older on the date of
22 the Political Status Plebiscite, and are registered voters on Guam.

23 The ‘Political Status Plebiscite’ mandated in Subsection (a) of
24 this Section shall be held on November 7, 2000, *unless* the Guam

1 Election Commission determines that it won't be adequately
2 prepared to hold the Plebiscite on that date, in which case the
3 Guam Election Commission may determine by majority vote of
4 Commission members to hold the Plebiscite on a later date."

5 **Section 66.** Section 9142 of Title 3 of the Guam Code Annotated is
6 hereby *repealed and reenacted* to read as follows:

7 "Section 9142. Assistance to Voter. (a) A voter may
8 request assistance in voting to the precinct board, and assistance
9 shall be granted thereby *only if* a voter is blind, physically disabled
10 or unable to read or write.

11 (b) *If* the voter is granted the opportunity to have
12 assistance, the voter shall be accompanied into the voting booth
13 by two (2) precinct officials. *If* a voter with a physical disability
14 finds it unduly burdensome to enter the polling place, the ballot
15 may be completed within one hundred feet (100') of the polling
16 place. The ballot shall be read to the voter who shall indicate that
17 voter's choices. Such choices shall be properly marked by one (1)
18 of the accompanying precinct officials while under the
19 observation of the other. Any registered voter who enters the
20 public grounds containing the polling place, but for some reasons
21 is unable to enter the polling place itself, and who is capable of
22 reading and marking that voter's ballot without assistance, shall
23 be given the opportunity to vote. The Commission shall make the

1 appropriate rules and regulations necessary to insure the privacy
2 and integrity of any ballot case in such manner.

3 (c) No member of a precinct board rendering assistance to
4 a voter shall reveal any of the votes cast by such voter."

5 **Section 67.** Section 7107 of Title 3 of the Guam Code Annotated is
6 hereby *amended* to read as follows:

7 "**Section 7107. Presidential Elections.** The ballot for the
8 general election in each year evenly divisible by four (4) beginning with
9 1980 shall contain the names of the nominees for President and Vice-
10 President of the United States of each national political party which has
11 made such nominations. In addition, any team of candidates which has
12 been placed on the ballot of any state of the United States may have
13 their names placed on the ballot as independent candidates, or as
14 candidates of the party of which they are on the ballot in that state. *If*
15 *the candidates wish to be placed on the ballot, they may request such*
16 *placement no later than September 1 of each election year. The Election*
17 *Commission shall place on the ballot such candidates under either the*
18 *independent category, or the name of the party by which the candidates*
19 *have been placed in the ballot in another state."*

20 **Section 68.** Section 9153 of Title 3 of the Guam Code Annotated is
21 hereby *amended* to read as follows:

22 "**Section 9153. Disposal of Unused Ballots.** On the day of
23 an election, immediately upon the arrival of the hour when the polls are
24 required by law to be closed, the Commission shall openly, at the place

1 designated by it for the tabulation of ballots, in the presence of as many
2 voters as may there assemble to observe this act, proceed to make and
3 file its affidavit, in writing, as to the number of unused ballots which
4 remains in its control for disposal. Thirty (30) days after the
5 Commission has certified the election results, the Commission is
6 authorized to dispose of the unused ballots in a manner that is
7 convenient."

8 **Section 69.** Section 11133 of Title 3 Guam Code Annotated is
9 hereby *amended* to read as follows:

10 "Section 11133. Certificate of Election. Immediately after
11 declaring the results of any election, the Commission shall make, or
12 cause to be made, 'certificates of election' for every person elected to
13 office. The form of such certificates shall be prescribed in the Election
14 Manual. The Commission shall cause to be placed in the hands of the
15 elected person the *original* certificate which shall constitute evidence of
16 the person's right to office. The Election Commission shall preserve a
17 copy of such certificate for a period of ten (10) years."

18 **Section 70.** Section 12105(e) is hereby *added* to Title 3 of the Guam
19 Code Annotated to read as follows:

20 "(e) whether a demand for jury trial is requested."

21 **Section 71.** Section 12112 of Title 3 of the Guam Code Annotated
22 is hereby *amended* to read as follows:

23 "Section 12112. Trial. The Superior Court of Guam shall
24 meet at the time and place designated, to determine the contested

1 election, and shall have all the powers necessary to the determination
2 thereof. It may adjourn from day to day until the trial is ended, and
3 may also continue the trial, before its commencement, for any time *not*
4 exceeding twenty (20) days, for good cause shown by any party upon
5 affidavit, *unless* the Court otherwise finds just cause to provide for
6 additional time frames. Either party shall have the right to request for a
7 jury trial of six (6) jurors either in the complaint or at their first
8 appearance.”

9 **Section 72.** Section 12119 of Title 3 of the Guam Code Annotated
10 is hereby *amended* to read as follows:

11 **“Section 12119. Costs of Contest Proceedings.** *If* the
12 proceedings under this Chapter are dismissed for insufficiency of
13 evidence to support any of the basis for the claims, or for want of
14 prosecution, or the election is by the Court confirmed without any
15 claims proven, judgment may be rendered against the contestant, for
16 costs, in favor of the defendant. *If* the election is annulled or set aside,
17 judgment for costs may be rendered against the defendant, in favor of
18 the contestant. In the event that the contestant proves part of the
19 contestant’s case, the Court may also award costs as it deems just and
20 equitable.”

21 **Section 73.** Section 12121 of Title 3 of the Guam Code Annotated
22 is hereby *amended* to read as follows:

23 **“Section 12121. Appeal From Judgment.** Any party
24 aggrieved by the judgment of the Superior Court of Guam may appeal

1 therefrom to the Supreme Court of Guam, as in other cases of appeal
2 thereto from the Superior Court, *except* on an expedited basis. During
3 the pendency of proceedings on appeal, and until final determination
4 thereof, the person declared elected by the Superior Court of Guam
5 shall be entitled to the office in like manner as if no appeal had been
6 taken. The Supreme Court of Guam shall provide an expedited appeal
7 process for election contests.”

8 **Section 74. Transition Provisions.** (a) This Act shall take
9 effect thirty (30) days *after* it becomes public law.

10 (b) The term of any person who is a member of the Guam
11 Election Commission on the date this law takes effect shall expire at
12 midnight thirty (30) days after this Act takes effect. The recognized
13 political parties of Guam shall submit to *I Maga’lahen Guåhan* their
14 recommendations for appointment of their members to the Commission
15 *no later than* fifteen (15) days after the date on which this Act becomes
16 law, the appointment of those members to take effect on the 31st day
17 after this Act becomes law.

18 **Section 75.** Any provision of law inconsistent with this Act is
19 *repealed* to the extent of such inconsistency. *If* any provision of this Law or its
20 application to any person or circumstance is found to be invalid or contrary to
21 law, such invalidity shall *not* affect other provisions or applications of this
22 Law which can be given effect without the invalid provisions or application,
23 and to this end the provisions of this Law are severable.



OFFICE OF THE GOVERNOR
GUAM

MAY 26 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By [Signature]

Time 3:27 PM

Date 26 May 2000

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 227 COR), "AN ACT TO AMEND, REPEAL, REPEAL AND REENACT AND ADD SECTIONS TO TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE ELECTION LAWS OF GUAM AND RESCHEDULING THE POLITICAL STATUS PLEBISCITE", which I have vetoed.

This legislation has some very positive amendments to the current election laws of Guam. It also has some amendments that would, if enacted at this time, create a situation of chaos during the next primary and general elections in September and November, 2000. In order to prevent certain chaos, the legislation is vetoed, however, I would like i Liheslatura to come together again and re-write the bill so that the coming elections, as well as those in future years, will take place smoothly and efficiently, fairly and impartially.

Some improvements contained in this bill will probably meet with universal approval. The first of these improvements are those that clarify the registration of voters by making it easier to determine if they are eligible to vote. The bill includes requirements for persons who want to register to vote to produce the same level of proof of residency or eligibility as is required to be employed. For example, written evidence of U. S. Citizenship would be required: a U.S. passport, Certificate of Citizenship or Naturalization would need to be shown, or Two (2) identifications such as birth certificate and driver's license, or other Two (2) identifications specified. It also requires written proof of eligibility for absentee voters that is consistent with on-island voters, and which needs to be attached to the ballot. These items would certainly tighten up current laws on voter eligibility, making it easier to verify that each person presenting themselves to vote is in fact eligible.

The legislation has clarified that the Guam Election Commission can hire subordinate officers and employees that are necessary, as well as their own attorney. The current law is not specific. It also allows the Commission to set the salaries of their employees.

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The legislation requires preparation of an Election Manual, training of registration clerks, and proof of eligibility of registration clerks. It sets out specific acts or omissions concerning registration which are subject to penalties. It clarifies grounds for cancellation of registration of a voter, including mental incompetence and receipt of information from another election agency that the person is registered to vote in another jurisdiction. It increases the security required for ballot boxes and ballots from the time ballots are issued out to the counting of the ballots at a centralized election counting location.

Many of these improvements are good and certainly should be put into place.

The difficulties in this legislation which really require further amendments and a re-writing of the bill are the following:

1. **Time lines are too short for preparation of rules and regulations.** Many administrative matters must be done according to the Administrative Adjudication Law. Rules and regulations created under the Administrative Adjudication Law require a notice and public hearing by the Guam Election Commission, and are transmitted to the Legislature and have thereafter Ninety (90) days before they can be put into effect. The only way to shorten this time line is for the Legislature to pass more legislation. Presently, it is now the end of May, and there is only a little over Three (3) months left before the upcoming Primary Election. The likelihood of being able to have all of the required rules and regulations in place, even before the actual date of the election, is very, very unlikely. Many of the rules and regulations concern matters that must be in place immediately, not on the date of the election. One example is the requirement of qualifications of registrars, including the new test required to be administered to prove their eligibility to be a registrar. Another is the rules and regulations required for all precinct workers.
2. **Runoff elections will be unfair to absentee voters.** There are numerous provisions concerning runoff elections. Although there was a clamor for a runoff election in the gubernatorial contest a year ago, there may be other runoffs in other contests. The legislation provides that no person may be mailed an absentee ballot for a runoff election. Yet, there may be voters, our military men and women and students in particular, who will be voting absentee in an election and be prevented from voting in a runoff. This may be particularly relevant to elections for Municipalities.
3. **Likelihood of return to decisional gridlock.** Recently, there was considerable criticism that the Guam Election Commission did not have a seventh member for quite a long time. Although the members of the Commission agree that this did not compromise the conduct of the last elections, this situation occurred because a majority of the members did not agree on a seventh member. Presently, a seventh member is already chosen and has been working well on the Commission.

This legislation would remove the currently agreed-upon seventh member, and return the Commission to a situation where the position of the seventh member would be hard to fill, again. The legislation requires Four (4) votes to take any action, instead of a majority, and there is no mechanism to make it easier for the Commission to take an action. This legislation actually makes it more difficult to gain consensus, and more difficult to take an action.

The same situation exists in this legislation concerning the election of a chairperson of the Commission. By custom, the Commission has been rotating the chairperson position from one political party to another. This legislation removes the current chairperson in mid-term, and provides no easy mechanism to put any chairperson at all into place.

4. **Opening of ballot boxes by the Commission.** All election commissions are very restricted in their powers, in order to preserve the secrecy, and sanctity, of the ballot. The secret ballot is essential to guarantee democracy and free choice. This legislation allows the Commission to open the ballots and look at them Thirty (30) days after an election is certified, for statistical purposes. Just what statistical purposes could there be for allowing the Commission to do this? Currently, ballots cannot be reviewed for any reason unless it is done under the supervision of a court proceeding, during an election contest. This is certainly the better choice. One would not want to believe that the Commission will be looking at ballots, many which may have write-in entries on them, and confine themselves to some sort of vague "statistics". This provision erodes the confidence that the public will have in casting their ballots.
5. **Security of ballot boxes procedure is chaotic.** The new procedures in this legislation remove the responsibility for canvassing ballots at the end of the day from the precincts. In other words, currently precinct members open the ballot boxes at each precinct at the end of the voting and determine if the number of ballots that they have accounted for at the end of the day are the same number as that given to them in the morning. They count the ballots cast, ballots spoiled, ballots blank, and this is supposed to add up to the number of ballots given them originally. In this legislation, precinct members would no longer do this at their precincts. They would, instead, be required to load the locked ballot boxes into a bus, and then all precinct officials would have to ride the bus with a police officer, to a central election location. The Guam Election Commission Director or Deputy would be the only person allowed to open the ballot boxes at that location.

This new procedure means that canvassing (accounting for the correct number) of ballots would have to take place at a central election location prior to tallying (counting for determining who wins) the ballots, at the same place. This would require considerable pre-planning and personnel to avoid chaos, but would still not eliminate the possibility of tampering with ballots. For example, stuffing the ballot box along the way and arriving at the central election location, not knowing how that happened, is one possibility. There are many others available to the creative mind.

6. **Thirty (30) day residency requirement is added.** Currently, there is no residency time period required in order to vote in a Guam election. As a matter of fact, all residency requirements are frowned upon by courts as constituting restrictions on voting. The residency requirement may be imposed for administrative purposes, but here, the time for registering to vote is inconsistent with the residency requirement. For example, one can register to vote up to 21 days before an election for a regular election, and up to 3 days before an election for a runoff election. Presumably, a residency period of no more than either 21 or 3 days is necessary for the proper administration of the election. What would justify the remaining residency time period?

This same Thirty (30) day time period is required within a village for Municipal elections. This would cut down on “flying voters”, yet the mechanism for enforcing the provision is unclear. Proof of residency within a village for Thirty (30) days, while desirable, may be hard to enforce by simple mandate.

7. **Constitution of the Legislative body.** There is additional language added into the law which describes our Legislature, and this language is curious, indeed. Section 6101 of Title 3 is amended as follows:

“[The Guam Legislature] I Liheslaturan Guåhan shall be a unicameral body consisting of [twenty-one (21)] fifteen (15) members who are elected at large and as provided by law.”

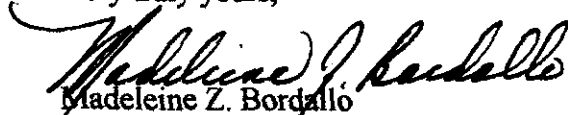
8. **No funding.** Finally, last but not least, while a great number of changes are mandated in this legislation, no funding is provided either for personnel, supplies, or any other any other needs. Also, despite the Guam Election Commission having only a few employees, there is no provision to lift the hiring freeze and allow hiring.

Before changing this language, which may change the entire make-up of the Guam Legislature by inclusion of additional language in a later law, substantive changes should be reviewed by the public. The current makeup of our legislative body was dictated by public opinion by direct vote of the public. Any changes in that language should go through public scrutiny first.

Although a number of the defects in the legislation could be ironed out before a later election, it is doubtful that they can be ironed out immediately and before September, 2000. The enactment date for those provisions, especially any requirements for rules and regulations by the Administrative Adjudication Law, needs to be extended. Other provisions need re-working, also, to ensure that reforms are actually achieved as desired.

In the spirit of improving our elections, please consider carefully the practical problems which are inherent in the legislation, especially if applied to the next elections in such a short time frame, and re-write the legislation to take these matters into account.

Very truly yours,


Madeleine Z. Bordallo
I Maga'Lahen Guåhan, Akto
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
Speaker

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MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 227 (COR) "AN ACT TO AMEND, REPEAL, REPEAL AND REENACT AND ADD SECTIONS TO TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO REFORMING THE ELECTION LAWS OF GUAM AND RESCHEDULING THE POLITICAL STATUS PLEBISCITE," was on the 11th day of May 2000, duly and regularly passed.



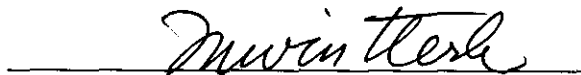
ANTONIO R. UNPINGCO
Speaker

Attested:



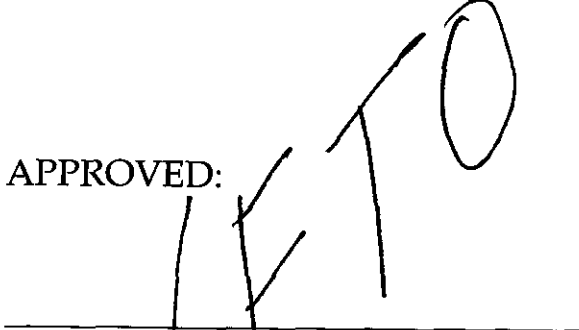
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 15th day of May, 2000,
at 10:00 o'clock 9 .M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MADELEINE Z. BORDALLO
I Maga'lahen Guahan, Akto

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 227 (COR)

As substituted by the Author,
amended in the Committee of the
Whole and further amended on the Floor.

Introduced by:

S. A. Sanchez, II
Mark Forbes
E. B. Calvo
A. C. Lamorena, V
L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
M. G. Camacho
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
A. R. Unpingco

***AN ACT TO AMEND, REPEAL, REPEAL AND REENACT
AND ADD SECTIONS TO TITLE 3, AND TO REPEAL
AND REENACT §21110 OF CHAPTER 21 OF TITLE 1,
ALL OF THE GUAM CODE ANNOTATED, RELATIVE
TO REFORMING THE ELECTION LAWS OF GUAM
AND RESCHEDULING THE POLITICAL STATUS
PLEBISCITE.***

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

2 **Section 1. Statement of Legislative Findings.** I *Liheslaturan*

3 *Guåhan* finds that in order to assure free, fair and open elections it is necessary
4 that the Guam Election Code be revised to absolutely limit participation in the
5 public elections of the Island to persons who are citizens of the United States,
6 residents of Guam, of age, competent and *not* otherwise legally
7 disenfranchised.

8 **Section 2.** Sections 1111 through 1118 of Title 3 of The Guam Code
9 Annotated are *renumbered* 1112 through 1119; and §1111 is hereby *added* to
10 Title 3 of the Guam Code Annotated to read as follows:

11 **“Section 1111. Runoff Election.** A ‘*runoff election*’ is an
12 election held *subsequent* to a general election pursuant to the provisions
13 of §§1422 and 1712 of Title 48 of the United States Code.”

14 **Section 3.** Section 2101 of Title 3 of the Guam Code Annotated is
15 hereby *repealed* and *reenacted* to read as follows:

16 **“Section 2101. Election Commission: Composition; Removal**
17 **of Members; Chairman; Quorum.** (a) There is within, as an
18 autonomous instrumentality and an independent commission of
19 the government of Guam, the Election Commission. The
20 Commission shall consist of seven (7) members, all of whom shall
21 be eligible voters on the date of their appointment. *I Maga’lahen*
22 *Guåhan* shall appoint six (6) members from recommendations
23 made by the recognized political parties of Guam. Each of the
24 recognized political parties, *via* a duly passed resolution, shall

1 recommend an equal number of names to *I Maga'lahaen Guãhan* and
2 the six (6) members appointed by *I Maga'lahaen Guãhan* shall be
3 appointed so that the recognized political parties are equally
4 represented. *If* at any time there are more than three (3)
5 recognized political parties, the six (6) members appointed by *I*
6 *Maga'lahaen Guãhan* shall be appointed so that *no more than* two (2)
7 of such members shall be members of the same recognized
8 political party. One (1) member shall be selected and appointed
9 by the six (6) members appointed by *I Maga'lahaen Guãhan*. The
10 appointment of the seventh member of the Commission shall be
11 concurred in by at least *four* (4) members. The members shall
12 serve for a term of two (2) years. *If* a vacancy should occur on the
13 Commission, said vacancy shall be filled for the remainder of the
14 term only, and by the method originally prescribed for its
15 appointment. No member may be an elected official of the
16 government nor a candidate or nominee for an elected office
17 within the government.

18 (b) Every member of the Commission who is *not* in the
19 service of the government, for which that person receives an
20 annual compensation, shall be paid Fifty Dollars (\$50.00) for each
21 attendance of a meeting upon that person's duties. *Subject* to the
22 availability of funds and in compliance with any applicable
23 provision of law, any member may be reimbursed reasonable

1 expenses authorized by the Commission to be incurred in the
2 performance of that person's office.

3 (c) Any appointed member may be removed for
4 misconduct in office by a resolution duly adopted by a vote of
5 two-thirds (2/3s) of the members elected and serving in *I*
6 *Liheslaturan Guåhan*. At the written request *via* a duly passed
7 resolution of the state central committee of any political party that
8 has recommended the appointment of a member, *I Maga'lahaen*
9 *Guåhan immediately* shall remove such member from the
10 Commission. The seventh member chosen by the six (6) politically
11 recommended members may be removed upon a vote by five (5)
12 of the politically appointed members. Any vacancy resulting from
13 the provisions of this Paragraph shall be filled as provided in
14 Paragraph (a).

15 (d) A majority of the members of the Commission shall
16 constitute a quorum and no action of the Commission shall be
17 authorized, *except* upon a vote of four (4) of the members.

18 (e) By majority vote the Commission shall elect annually a
19 Chairman from among its members. The term of the Chairman
20 shall expire on the last day of June."

21 **Section 4.** Section 2102 of Title 3 of the Guam Code Annotated is
22 hereby *amended* to read as follows:

23 **"Section 2102. Executive Director, Appointment Of; Ex Officio**
24 **Secretary of the Commission; Salary Of.**

1 (a) The Commission shall appoint an Executive Director.
2 Said Executive Director shall administer the election law of Guam
3 and shall perform and discharge all of the powers, duties,
4 purposes, functions and jurisdiction hereunder, or which hereafter
5 by law may be vested in the Commission in accordance with the
6 rules of the Commission, and *subject to* the right of appeal to the
7 Commission.

8 (b) The Executive Director shall be the *ex officio* secretary
9 for the Commission, but shall *not* be a voting member thereof. As
10 such secretary, the Executive Director shall keep the minutes of
11 the Commission's proceedings, preserve all reports made to it,
12 keep a record of all examinations held under its direction, and
13 perform such other duties as the Commission shall prescribe.

14 (c) The Executive Director shall be a member of the
15 unclassified service and shall receive an annual salary within a
16 range of compensation to be prescribed by the Commission in
17 accordance with the laws of Guam. Said Executive Director shall
18 serve at the pleasure of the Commission; *provided*, however, that
19 the Executive Director may *not* be removed, *unless* that person's
20 removal is concurred in by four (4) Commission members."

21 **Section 5.** Section 2103 of Title 3 of the Guam Code Annotated is
22 *amended* to read as follows:

23 **"Section 2103. Election Commission, Duties and**
24 **Responsibilities Of; Audit Report; Rule-Making Authority.**

1 (a) The Commission shall have direct and immediate
2 supervision over the municipal and district officials designated in
3 accordance with the laws of Guam to perform duties relative to
4 the conduct of elections. The Commission may suspend from the
5 performance of said duties any of said officials who shall fail to
6 comply with its instructions, orders, decisions or rulings, and
7 appoint temporary substitutes; and the Commission shall remove
8 any such officials who shall be found guilty of nonfeasance or
9 misfeasance in connection with the performance of their duties
10 relative to the conduct of elections.

11 (b) The Commission shall designate such subordinate
12 officers and employees as may be necessary for the efficient
13 performance of its functions and duties, each of whom, if *not*
14 already employed by the government, shall receive a salary to be
15 determined in accordance with the laws of Guam.

16 The Board may retain an attorney who shall be admitted to
17 practice before the courts of Guam, who shall advise the Board
18 and its executive officer on all legal matters pertaining to the
19 Commission. The designated counsel shall represent the
20 Commission in litigation in which the Commission is interested or
21 involved. The terms, conditions and compensation of
22 employment of any such attorney shall be determined by the
23 Board, and the attorney shall serve at the pleasure of the Board.

24 (c) As early as is reasonably possible, but *not* later than
25 June 30 in each odd-numbered year, the Commission shall prepare

1 and deliver an annual report to *I Maga'láhen Guåhan*, the Speaker
2 of *I Liheslaturan Guåhan*, the Chair of the legislative committee
3 with jurisdiction over matters of elections, showing, with respect
4 to the preceding fiscal year:

5 (1) recommendations of the Commission as to
6 amendments or supplementation of laws affecting elections
7 or the office of the Commission; *and*

8 (2) statistical information regarding the elections
9 conducted during the fiscal year.

10 (d) The Commission shall promulgate rules pursuant to
11 Chapter 9 of Title 5 of the Guam Code Annotated necessary and
12 convenient to carry out the provisions of this Title."

13 **Section 6.** Section 2104 of Title 3 of the Guam Code Annotated is
14 hereby *amended* to read as follows:

15 **"Section 2104. Election Manual.** It shall be the duty and
16 responsibility of the Commission to prepare a public manual of
17 administrative procedures, rules, regulations and forms to be used in
18 the conduct of elections. *After* January 1, 2001, all manuals and
19 publications shall be prepared pursuant to the Administrative
20 Adjudication Law. The manual shall set forth the regulations to be
21 followed by all election officials, as well as the descriptions of the
22 necessary equipment and forms to be used in election procedures."

23 **Section 7.** Section 2106 of Title 3 of the Guam Code Annotated is
24 hereby *amended* to read as follows:

1 **“Section 2106. Powers of the Commission.**

2 (a) The Commission shall have the power to summon the
3 parties to a controversy pending before it, issue subpoenas duces
4 tecum, and otherwise to take testimony in any investigation or
5 hearing pending before it and delegate such power to any officer.
6 Any controversy submitted to the Commission shall be tried,
7 heard and decided within ten (10) days counted from the time the
8 corresponding petition giving rise to said controversy is filed. The
9 Commission shall have the power to certify to the Superior Court
10 of Guam for contempt. No witness fee shall be paid to a person
11 subpoenaed in that person’s capacity as a government employee
12 or agent of the Commission.

13 (b) The Commission may sue and be sued in its name.

14 (c) The Commission may take such action as is necessary
15 or appropriate to the carrying out of its powers and duties as
16 specified in this Title, or as may be otherwise imposed upon the
17 Commission by law.”

18 **Section 8.** Section 2107 of Title 3 of the Guam Code Annotated is
19 hereby *amended* to read as follows:

20 **“Section 2107. Placement on Ballot.** No person shall be placed
21 on the ballot for election to any public office *unless* the Commission has
22 determined that said person possesses the qualifications for the office
23 for which that person is a candidate.”

1 **Section 9.** Section 3102 of Title 3 of the Guam Code Annotated is
2 hereby *amended* to read as follows:

3 **“Section 3102. Affidavit of Registration, Necessity for and**
4 **Contents Of.** (a) No person shall be registered as a voter,
5 *except* by affidavit of registration made before an authorized
6 registration clerk or, in the case of an absentee voter,
7 pursuant to the provisions of §10104 of this Title. Before
8 such affidavit shall be made, the person shall state if that
9 person is currently registered to vote in any other
10 jurisdiction(s).

11 *If* that person answers affirmatively, that person shall
12 identify said jurisdiction and complete and sign an attested
13 statement on a form provided by the Commission which
14 requests the cancellation of that person’s registration, and
15 which shall be forthwith forwarded by the Commission to
16 that jurisdiction. *If* that person answers negatively, that
17 person shall nonetheless identify the jurisdiction in which
18 that person last voted. No registration clerk shall register
19 any person *except* upon presentation by the person applying
20 for registration of written evidence that the person is a
21 citizen of the United States who will be *at least* eighteen (18)
22 years of age upon the date of the next election to be
23 conducted by the Commission, and that the person is a
24 resident of Guam.

1 A copy of the evidence of citizenship and residency
2 submitted by the applicant shall be attached to the
3 registration form or absentee ballot application. No person
4 shall be registered *except* upon that person's declaration
5 under penalty of perjury of the street name and number, and
6 municipality or lot number, and municipality where that
7 person resides on Guam, and that the person has been a
8 resident of Guam for *not less than* thirty (30) days
9 immediately preceding the date on which the next election
10 will be held.

11 The Commission's Executive Director shall determine
12 whether the evidence provided by an applicant establishes
13 the person's eligibility to be registered. The Commission's
14 Executive Director shall give written notice of any denial of
15 registration within five (5) working days upon the receipt of
16 the application. Any person whose affidavit or application
17 for an absentee ballot is rejected may appeal the decision to
18 the Commission and, *if* again rejected, to the Superior Court
19 of Guam. No person shall be required to disclose that
20 person's social security number as a condition of registration
21 or voting. The Commission shall prepare forms for the
22 collection of this data, and may require the submission of
23 such additional information as will enable it to comply with
24 this Section. The affidavit shall then be made in triplicate,

1 and shall set forth all the facts required to be shown by this
2 Title and the election manual.”

3 (b) Written evidence of U.S. citizenship for purposes
4 of this Section shall include:

5 (1) U.S. Passport;

6 (2) Certificate of U. S. Citizenship;

7 (3) Certificate of Naturalization;

8 (4) a combination of one (1) document from
9 list (i) and one (1) document from list (ii) as follows:

10 (i) (A) certification of birth abroad
11 issued by the Department of State;

12 (B) original or certified copy of a
13 birth certificate issued by a state, county,
14 municipal authority, commonwealth,
15 district or outlying possession of the
16 United States bearing an official seal;

17 (C) Native American Tribal
18 document;

19 (D) U.S. Citizen ID Card; *and*

20 (E) government of Guam Cedula;

21 (ii) (A) driver’s license or ID card
22 issued by a state or outlying possession of
23 the United States; *provided*, it contains a
24 photograph or information such as name,

1 date of birth, sex, height, eye color and
2 address;

3 (B) ID card issued by Federal, state
4 or local government agencies or entities;
5 *provided*, it contains a photograph or
6 information, such as name, date of birth,
7 sex, height, eye color and address;

8 (C) school ID card with a
9 photograph;

10 (D) voter's registration card;

11 (E) U.S. Military card or draft
12 record;

13 (F) military dependent's ID card;
14 *and*

15 (G) U.S. Coast Guard Merchant
16 Mariner Card.

17 **Section 10.** Section 3104 of Title 3 of the Guam Code Annotated is
18 hereby *amended* to read as follows:

19 **"Section 3104. Times for Registration.** Ten (10) days *prior*
20 *to* any general, primary or special election, the registration rolls shall be
21 closed for that election and no further affidavits of registration shall be
22 accepted by the Commission."

23 **Section 11.** Section 3105 of Title 3 of the Guam Code Annotated is
24 hereby *amended* to read as follows:

1 **“Section 3105. Place of Registration.** The registration of
2 electors shall be in progress at the main office of the Commission during
3 such hours as the office is open for business at all times *prior to* the
4 closing of the registration rolls. Electors may also be registered at such
5 times and places within Guam as the Commission shall deem advisable
6 and convenient from the time registration is open until twenty-one (21)
7 days *prior to* an election.”

8 **Section 12.** Section 3107 of Title 3 of the Guam Code Annotated is
9 hereby *amended* to read as follows:

10 **“Section 3107. Application Constitutes Registration.** The
11 application for an absentee ballot shall constitute a sufficient
12 registration of the voter in the municipality, municipal division or
13 district in which the voter resides; *provided*, that the application is
14 received by the Commission *prior to* the closing of the registration rolls,
15 and provided that the provisions of §3102 of this Title pertaining to
16 citizenship, age and residency on Guam are complied with to the same
17 degree as by a person registering under §3102. Such application
18 constituting registration shall be preserved and used by the
19 Commission in the same manner as it preserves and uses affidavits of
20 registration.”

21 **Section 13.** Section 3109 of Title 3 of the Guam Code Annotated is
22 hereby *amended* to read as follows:

1 **“Section 3109. Appointment of Registration Clerks.** The
2 Commission shall appoint at least one (1) registration clerk for each
3 district.”

4 **Section 14.** Section 3110 of Title 3 of the Guam Code Annotated is
5 hereby *amended* to read as follows:

6 **“Section 3110. Qualifications of Registration Clerks.** The
7 Commission may appoint any qualified elector as a district or volunteer
8 registration clerk. The Commission shall establish by regulation the
9 *minimum* qualifications for appointment as a registration clerk. The
10 Commission, pursuant to the Administrative Adjudication Law, shall
11 set forth a training program for registration clerks which shall include
12 passage of a standardized examination of the applicant’s knowledge of
13 the election laws necessary to perform the registration clerk’s duties.
14 No person holding an elective office or who is a candidate, or nominee
15 for elective office, shall be appointed or serve as a registration clerk.”

16 **Section 15.** Section 3111 of Title 3 of the Guam Code Annotated is
17 hereby *amended* to read as follows:

18 **“Section 3111. Compensation of Registration Clerks.** Any
19 person who is appointed a district registration clerk shall receive
20 compensation at a rate set by the Commission *not more than* one and
21 one-half (1 ½) times the prevailing minimum wage rate. Any employee
22 of the government of Guam who is appointed to be a district
23 registration clerk, and who performs such duties as a part of that
24 person’s government employment shall *not* be entitled to receive the

1 compensation authorized by this Section. Volunteer registration clerks
2 shall *not* be paid by the Commission.”

3 **Section 16.** Section 3115 of Title 3 of the Guam Code Annotated is
4 hereby *repealed and reenacted* to read as follows:

5 **“Section 3115. Penalty for Acts or Omissions.**

6 (1) Any person authorized by the Commission, having
7 charge of affidavits of registration, or absentee ballot applications
8 submitted in lieu of affidavits of registration, who:

9 (a) neglects or refuses to perform any duty required
10 by law in connection with the registration of voters;

11 (b) neglects or refuses to perform such duty in the
12 manner required by voter registration law;

13 (c) enters, or causes or permits to be entered, on the
14 voter registration records the name of any person in any
15 other manner or at any other time than as prescribed by
16 voter registration law, or enters, or causes or permits to be
17 entered, on such records the name of any person *not* entitled
18 to be thereon; *or*

19 (d) destroys, mutilates, conceals, changes or alters
20 any registration record in connection therewith, *except* as
21 authorized by voter registration law, is guilty of a felony of
22 the third degree. Each and every omission constitutes a
23 *separate* offense.

24 (2) Any person who:

1 (a) knowingly provides false information on an
2 application for voter registration under any provision of this
3 Title;

4 (b) knowingly makes or attests to a false declaration
5 as to that person's qualifications as a voter;

6 (c) knowingly causes or permits oneself to be
7 registered using the name of another person;

8 (d) knowingly causes oneself to be registered under
9 two (2) or more different names;

10 (e) knowingly causes oneself to be registered in two
11 (2) or more precincts;

12 (f) offers to pay another person to assist in
13 registering voters, where payment is based on a fixed
14 amount of money per voter registration;

15 (g) accepts payment for assisting in registering
16 voters, where payment is based on fixed a amount of money
17 per voter registration; *or*

18 (h) knowingly causes any person to be registered or
19 causes any registration to be transferred or canceled, *except*
20 as authorized under this Title, is guilty of a felony of the
21 third degree. Each and every violation constitutes a *separate*
22 offense."

23 **Section 17.** Section 3121 of Title 3 of the Guam Code Annotated is
24 hereby *amended* to read as follows:

1 **"Section 3121. Permanence of Records.** The registration of a
2 voter is permanent for all purposes during that person's life, *unless* and
3 until the affidavit of registration is cancelled by the Commission for any
4 of the causes specified in this Chapter."

5 **Section 18.** Section 3122 of Title 3 of the Guam Code Annotated is
6 hereby *amended* to read as follows:

7 **"Section 3122. Grounds for Cancellation of Registration.**

8 The Commission shall cancel the registration of an elector in the
9 following cases:

- 10 (a) at the request of the person registered;
- 11 (b) when the insanity or mental incompetence of a person
12 registered is legally established;
- 13 (c) Upon the production of a certification from Guam Police
14 Department, or other local or Federal government instrumentality, that
15 the person is confined pursuant to a local or Federal criminal sentence;
- 16 (d) upon the death of the person registered;
- 17 (e) upon the production of a certified copy of a judgment
18 directing the cancellation to be made;
- 19 (f) *if* the person registered has *not* voted in two (2) consecutive
20 general elections, *unless* such person mailed in an absentee ballot that
21 was postmarked on or before the last general election day, but was
22 received after the close of the polls; *provided*, however that in the case of
23 a runoff election, those registered to vote for the general election shall

1 remain eligible to vote in the runoff election, regardless of whether they
2 voted at the immediately preceding general election; *and*

3 (g) upon receipt from any other election agency, domestic or
4 foreign, that the person has registered to vote in that jurisdiction.”

5 **Section 19.** Section 3124 of Title 3 of the Guam Code Annotated is
6 hereby *repealed and reenacted* to read as follows:

7 **“Section 3124. Cancellation of Registration for Failure to Vote.**

8 Within ninety (90) days of the certification of the returns of any regular
9 general election or a runoff election subsequent thereto, the Commission
10 shall cancel the registration of any person who failed to vote in the
11 general election pursuant to §3122(f). The registration of a person who
12 mailed an absentee ballot that was postmarked on or before the general
13 election, but whose ballot was *not* received by the Commission *prior to*
14 the closing of the polls at the general election, or a person who votes in a
15 general election, but who fails to vote in any runoff election held
16 subsequent thereto or a person who failed to vote in the general
17 election, but did vote in a runoff election held subsequent to such
18 general election, shall *not* be considered a person who failed to vote.
19 The affidavit of a person whose registration is cancelled shall be purged
20 from the records of the Commission.

21 The Commission shall notify by mail each person whose
22 registration is cancelled of that fact and that the person is no longer
23 eligible to vote until that person again has registered as provided in this
24 Title. The Commission shall establish by rule a procedure for a person

1 who believes that that person's registration has been cancelled
2 erroneously to challenge such cancellation."

3 **Section 20.** Section 3125 of Title 3 of the Guam Code Annotated is
4 hereby *repealed*.

5 **Section 21.** Section 3130 of Title 3 of the Guam Code Annotated is
6 hereby *amended* to read as follows:

7 **"Section 3130. Index of Registrations.** The Commission
8 shall prepare an index of the registration of voters and provide
9 sufficient copies thereof for use in any regular election. Upon the
10 effective date of this Section, the Commission shall cease to collect the
11 social security numbers of persons registering to vote, and no later than
12 June 30, 2001, the Commission shall purge all social security numbers
13 from its index of registered voters. No later than July 1 of each odd-
14 numbered year, the Commission shall distribute a copy of the index for
15 each municipality to the mayor and vice-mayors thereof. To the extent
16 of their ability, the mayors and vice-mayors shall notify the Commission
17 of any discrepancies they may discover in the index."

18 **Section 22.** Section 3133 is hereby *added* to Title 3 of the Guam
19 Code Annotated to read as follows:

20 **"Section 3133. Original Roster of Electors.** On the day of any
21 election, the Commission shall maintain in its office, or at the Election
22 Return Center in an easily accessible and organized form, the original
23 affidavits of registration with supporting documentation to assist it in

1 disposing of any challenges or questions that may occur during the
2 election.”

3 **Section 23.** Section 4101 of Title 3 of the Guam Code Annotated is
4 hereby *amended* to read as follows:

5 **“Section 4101. Designation of Polling Place.** The
6 Commission shall, *not less than thirty (30) days prior to* the date set for
7 any regular election, designate, announce and publish the Official
8 Polling Sites; the Official Precincts, along with the alphabetical range
9 assigned to each precinct, where the ballots are to be cast in such
10 election. In the case of a runoff election, the polling places and precincts
11 shall be the same as in the election precipitating the need for a runoff,
12 *unless* determined otherwise by the Commission.”

13 **Section 24.** Section 4103 of Title 3 of the Guam Code Annotated is
14 hereby *amended* to read as follows:

15 **“Section 4103. Appointment of Precinct Boards.** The
16 Commission shall, *not less than sixty (60) days prior to* any election,
17 appoint the members of the several precinct boards. In the case of a
18 runoff election, the precinct boards shall be the same as in the election
19 precipitating the need for a runoff, *unless* determined otherwise by the
20 Commission.”

21 **Section 25.** Section 4104 of Title 3 of the Guam Code Annotated is
22 hereby *amended* to read as follows:

23 **“Section 4104. Members and Compensation of Precinct**
24 **Boards.** To each and every precinct designated, the Commission