

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
173-36 (LS)	James C. Moylan Joe S. San Agustin	AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.	8/6/21 2:36 p.m.	8/17/21	Committee on General Government Operations, Appropriations, and Housing	10/11/21 10:00 a.m.	11/24/21 2:45 p.m. As Substituted by the Committee on General Government, Operations, Appropriations, and Housing.	Request: 8/17/21 8/23/21	1/21/22 11:16 a.m. Committee Report Replaced.



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

November 16, 2021

The Honorable Therese M. Terlaje
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: The Honorable Amanda L. Shelton 
Acting Chairperson of the Committee on Rules

RE: Committee Report on Bill No. 173-36 (LS) As Substituted

Dear Speaker Terlaje:

Transmitted herewith is the Committee Report on **BILL NO. 173-36 (LS)** - As Introduced by James C. Moylan and Joe S. San Agustin. As Substituted by the Committee on General Government Operations, Appropriations, and Housing. **"AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES."**

Committee votes are as follows:

2 TO DO PASS

0 TO NOT PASS

4 TO REPORT OUT ONLY

0 TO ABSTAIN

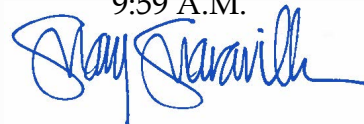
0 TO PLACE IN INACTIVE FILE

COMMITTEE ON RULES

RECEIVED:

November 16, 2021

9:59 A.M.



Respectfully,


Senator Joe S. San Agustin
Chairperson, Committee on Appropriations

Changed Vote & Additional Vote

Received:

January 21, 2022 @ 10:38 A.M.



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

COMMITTEE REPORT

BILL NO. 173-36 (LS)

As Introduced by James C Moylan and Joe S. San Agustin

As Substituted by the Committee on General Government Operations, Appropriations, and Housing.

“AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.”



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAJS NA LIHESLATURAN GUÅHAN

12 November 2021

MEMORANDUM

TO: ALL MEMBERS

Committee on General Government Operations, Appropriations, and Housing

From: Senator Joe S. San Agustin
Committee Chairperson

Subject: Committee Report on Bill No. 173-36 (LS) As Substituted

Transmitted herewith is the Committee Report on **BILL NO. 173-36 (LS)** - As Introduced by James C. Moylan and Joe S. San Agustin. As Substituted by the Committee on General Government Operations, Appropriations, and Housing. **"AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES."**

This report includes the following:

- Copy of COR Referral of Bill No. 173-36 (LS)
- Notices of Public Hearing and Other Correspondence
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimony and Supporting Documents
- Committee Report Digest
- Copy of Bill No. 173-36 (LS) As Introduced
- Copy of Bill No. 173-36 (LS) As Substituted
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Copy of Funding Availability Note from Office of Finance and Budget
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet, Your Attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGATÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

August 17, 2021

MEMO

To: Rennae Meno
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules

Re: Referral of Bill No. 173-36 (LS)

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 173-36 (LS) – James C. Moylan, Joe S. San Agustin – “AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.”

Please ensure that the subject bill is referred to the **Committee on General Government Operations, Appropriations, and Housing**, chaired by Senator Joe S. San Agustin.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules





Michaela Celorio <msacelorio.senatorsa@gmail.com>

First Notice of Virtual Public Hearing on Monday, October 11, 2021

3 messages

Rose Mesa <rose.senatorsa@gmail.com>

Mon, Oct 4, 2021 at 11:43 AM

To: phnotice@guamlegislature.org

Cc: Management Information System <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>, ed pocaigue <siedpocaigue@gmail.com>

October 4, 2021**To: All Honorable Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: First Notice of Virtual Public Hearing on Monday, October 11, 2021***Buenas yan Håfa Adai!*

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a virtual public hearing on **Monday, October 11, 2021 beginning at 9:00 a.m.** using the Legislature's virtual Zoom platform.

The Committee will hear and accept testimony on the following:

9:00 a.m.**Bill No. 205-36 (LS) - Joe S. San Agustin**

AN ACT TO ADD A NEW SUBSECTION (8) TO § 15401(a) OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM ETHICS COMMISSION TO RETAIN LEGAL SERVICES.

10:00 a.m.**Bill No. 173-36 (LS) - James C. Moylan / Joe S. San Agustin**

AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELANCATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

Bill No. 174-36 (LS) - James C. Moylan / Joe S. San Agustin

AN ACT TO AMEND § 15201 and § 15206 OF CHAPTER 15, § 3104 AND § 3105 OF CHAPTER 3, AND § 6108 OF CHAPTER 6, ALL FROM TITLE 3, GUAM CODE ANNOTATED; TO ADD § 3102.1(g) TO CHAPTER 3 OF TITLE 3, GUAM CODE ANNOTATED; AND TO ADD § 3101.3(h) TO CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING ELECTION RELATED TIMELINES ASSOCIATED WITH THE PRIMARY ELECTION, NOMINATION PETITIONS, AND VOTER REGISTRATION.

2:00 p.m.

Bill No. 204-36 (LS) - Amanda L. Shelton / Telen Cruz Nelson / Tina Rose Muña Barnes / Mary Camacho Torres / Clynton E. Ridgell / James C. Moylan / Joe S. San Agustin / Jose "Pedro" Terlaje / Christopher M. Dueñas

AN ACT TO ADD NEW ARTICLE 16 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "*OPIOID RECOVERY ADVISORY COUNCIL*"; TO BE KNOWN AS THE "*OPIOID PREVENTION AND TREATMENT*."

3:30 p.m.

Bill No. 206-36 (LS) - Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr.

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

If you are interested in participating in the Virtual Public Hearing to provide testimony, please contact the Office of Senator Joe S. San Agustin via email senatorjoessanagustin@gmail.com at or call (671) 989-5445 **no later than October 10, 2021** for further guidance.

Written testimonies should be addressed to Sen. Joe S. San Agustin, Chairman and sent via email to: senatorjoessanagustin@gmail.com or hand delivered to: Ran Care Bldg. Suite B3 761 S. Marine Corps Drive Tamuning, Guam 96931.

The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117/112.4 and streamed online via *I Liheslaturan Guåhan's* live feed. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Joe S. San Agustin at senatorjoessanagustin@gmail.com.

We look forward to your participation!



Michaela Celorio <msacelorio.senatorsa@gmail.com>

Second Notice of Virtual Public Hearing on Monday, October 11, 2021

1 message

Rose Mesa <rose.senatorsa@gmail.com>

Thu, Oct 7, 2021 at 9:15 AM

To: phnotice@guamlegislature.org, Jesse Quenga <jesse.quenga@gmail.com>, officeofsenatormoylan@guamlegislature.org, director@gec.guam.gov, Dafne Shimizu <dafne.shimizu@revtax.guam.gov>, publichealth@dphss.guam.gov
Cc: Management Information System <mis@guamlegislature.org>, Tom Unslog <sgtarms@guamlegislature.org>, Joe San Agustin <protocol@guamlegislature.org>, ed pocaigne <siedpocaigne@gmail.com>

October 7, 2021**To: All Honorable Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: Second Notice of Virtual Public Hearing on Monday, October 11, 2021***Buenas yan Håfa Adai!*

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a virtual public hearing on **Monday, October 11, 2021 beginning at 9:00 a.m.** using the Legislature's virtual Zoom platform.

The Committee will hear and accept testimony on the following:

9:00 a.m.**Bill No. 205-36 (LS) - Joe S. San Agustin**

AN ACT TO ADD A NEW SUBSECTION (8) TO § 15401(a) OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM ETHICS COMMISSION TO RETAIN LEGAL SERVICES.

10:00 a.m.**Bill No. 173-36 (LS) - James C. Moylan / Joe S. San Agustin**

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TIMELINES ASSOCIATED WITH THE PRIMARY ELECTION, NOMINATION PETITIONS, AND VOTER REGISTRATION.

2:00 p.m.

Bill No. 204-36 (LS) - Amanda L. Shelton / Telen Cruz Nelson / Tina Rose Muña Barnes / Mary Camacho Torres / Clynton E. Ridgell / James C. Moylan / Joe S. San Agustin / Jose "Pedro" Terlaje / Christopher M. Dueñas

AN ACT TO ADD NEW ARTICLE 16 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE "OPIOID PREVENTION AND TREATMENT."

3:30 p.m.

Bill No. 206-36 (LS) - Mary Camacho Torres / Telen Cruz Nelson / Jose "Pedro" Terlaje / Amanda L. Shelton / Tina Rose Muña Barnes / James C. Moylan / Clynton E. Ridgell / Joe S. San Agustin / V. Anthony Ada / Frank Blas Jr.

AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.

If you are interested in participating in the Virtual Public Hearing to provide testimony, please contact the Office of Senator Joe S. San Agustin via email senatorjoessanagustin@gmail.com at or call (671) 989-5445 **no later than October 10, 2021** for further guidance.

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In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Joe S. San Agustin at senatorjoessanagustin@gmail.com.

We look forward to your participation!

Un Dangkolo Na Si Yu'os Ma'åse'

Very Respectfully,

RoseMarie T. Mesa

Office Manager

I Mina'trentai sais Na Liheslaturan Guåhan

(Thirty-Sixth Guam Legislature)

Senator Joe S. San Agustin

Committee on General Government Operations, Appropriations, and Housing

Office: 671-989-5445

Email: rose.senatorsa@gmail.com

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SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

VIRTUAL PUBLIC HEARING
Monday, October 11, 2021
Legislature's Virtual Zoom Platform

AGENDA

9:00 a.m.

Bill No. 205-36 (LS) - Joe S. San Agustin

AN ACT TO ADD A NEW SUBSECTION (8) TO § 15401(a) OF ARTICLE 4, CHAPTER 15, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM ETHICS COMMISSION TO RETAIN LEGAL SERVICES.

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3:30 p.m.

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AN ACT TO REQUIRE THE PROMULGATION AND PUBLICATION OF INTERIM RULES FOR ALL CHILD PLACEMENT AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES; AND TO ENSURE TRANSPARENCY, PERMIT PUBLIC PARTICIPATION, AND PROVIDE A METHOD OF MAKING SUCH RULES READILY ACCESSIBLE TO THE PUBLIC; AND TO FURTHER APPROPRIATE ONE THOUSAND DOLLARS (\$1,000) FROM THE UNEXPENDED FUNDS OF THE OFFICE OF SENATOR MARY CAMACHO TORRES OF I LIHESLATURAN GUÅHAN TO THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THIS PURPOSE.



Office of
SENATOR Joe S. San Agustin

I Mina'trentai - Sais na Liheslaturan Guåhan, Thirty-Sixth Guam Legislature

Public Hearing Sign-in Sheet

Monday, October 11, 2021, at 10:00 a.m. via Zoom Virtual Conference Platform

Bill No. 173-36 (LS)- As Introduced by James C. Moylan and Joe S. San Agustin. As Substituted by the Committee on General Government Operations, Appropriations, and Housing. **"AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES."**

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Elizabeth B. Santos	GEC	Support	X	X		
Thomas San Agustin	GEC	Support		X		
Vince Camacho	GEC	Support		X		

Page 1 of 1

Committee Chairman: General Government Operations, Appropriations, & Housing

Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913

Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



October 11, 2021

Honorable Joe S. San Agustin
Chairman, Committee on General
Government Operations, Appropriations, and Housing
I Mina'trentai Sais na Liheslaturan Guåhan
761 S. Marine Corps. Drive
Ran Care Bldg., Suite B3
Tamuning, Guam 96931

Håfa Adai Mr. Chairman,

My name is Elizabeth Santos, Acting Executive Director of the Guam Election Commission (GEC) in the absence of Maria Pangelinan, who sends her apologies for not being here this morning. Si Yu'os ma'åse' for the opportunity to appear before you on Bill nos. 173-36 and 174-36. The GEC is mandated by 3 G.C.A. § 2103(d) to submit "recommendations of the Commission as to amendments or supplementation of laws affecting elections or the office of the Commission." The GEC appreciates that the proposed legislation incorporates many of the amendments recommended by the GEC submitted earlier this year. These recommendations are rooted in the GEC's commitment to conduct fair, honest, and open elections most effectively and efficiently possible.

Bill No. 173-36

Section 1. Cancellation of the Primary Election for Certain Circumstances. The GEC does not take a position with this proposed section. However, the GEC provides the following:

- To make Section 1 abundantly clear, the GEC requests an amendment to the language to read:

In any given election year, the Guam Election Commission shall cancel the Primary Election if equal to or fewer than the maximum number of candidates can advance to the General Election for any partisan elected office.

- GEC requests that the legislation also addresses the issue of independent candidates. Section 15207 provides that independent candidates may file nomination papers for the Primary Election. Then in Section 15404, independent candidates must meet certain thresholds to move on to the General Election. The issue then becomes for the GEC, do all independent candidates go through to the General Election if the GEC does not conduct a Primary Election for the partisan elected offices. The GEC requests that the proposed legislation address this issue to ensure that all potential candidates have the opportunity to seek elected office regardless of party affiliation.

- The GEC further recommends that the legislation include cancellation of the Primary Election for the nonpartisan offices. Currently, the Office of Public Accountability and Attorney General statutes require a primary election for the Public Auditor (1 G.C.A. § 1903(e)) and Attorney General (5 G.C.A. § 30101(b)). Requiring a primary election for the two nonpartisan offices increases election costs substantially because of the cost of printing a separate nonpartisan ballot and the amount of time it takes to tabulate the separate ballots.

Section 2. Amend Section 11115. Write-In Votes. The GEC supports Section 2 regarding not having to publish the name of the write-ins if the total votes for the write-in candidates do not change the vote tabulations for the named candidates. Removing the publication requirement simplifies GEC processes and eliminates unnecessary costs. Currently, GEC spends a significant amount of time sorting, reviewing, and tallying write-in votes to publish names such as Mickey Mouse and Superman. The proposed amendment requires the GEC to report the total number of write-in votes tabulated but only requires publication of write-in names if the number of write-in votes affects the outcome of any race.

- The GEC proposes the language to read:

The GEC shall count a write-in vote only if the write-in voting oval provided is marked and the elector provides a name written alongside the voting oval. The GEC shall report the results of the total write-in votes for each elected office. However, the GEC shall only publish the tabulation results for each of the named write-in candidates for that elected office if any write-in candidate receives enough votes to affect the ranking of any qualified candidate for a specific elected office.

Section 3. Amends Section 9112. Electioneering at Polling Place Prohibited. The GEC supports Section 3.

- However, the GEC proposes the language to read:

No person shall do any electioneering on election day within one hundred (100) feet of any entrance or exit of any polling place. The entrance or exit is defined as the entrance or exit gate if the polling place is fenced. The Commission may, on a case-by-case basis and limited to the current election, make an exception to this Section through a Commission Resolution if the GEC deems there to be a safety issue when conducting the election. The GEC has sole discretion and responsibility to determine and mark the one hundred (100) feet or other boundaries under this Section. Notices identifying the newly set perimeter also shall be posted at the entrance and exit of the polling place(s) affected. In addition, the GEC or any election official present at the polling place may seek

the assistance of any law enforcement officer to promptly assist in the enforcement of this Section, including but not limited to removing any person from the polling place.

Section 4. Amends Section 1117. Definitions: District. The GEC supports Section 4 because it clarifies and makes the definition of “district” consistent with another provision of Guam law, specifically 1 G.C.A. § 403.

Section 5. Adds Section 1124. Definitions: Name. The GEC supports Section 5 because it explicitly defines the name for which a candidate must identify on all GEC nominating papers. However, this does not prohibit using a nickname or any other names a candidate may choose to place on the ballot pursuant to 3 G.C.A. § 7115.

Section 6. Amends Section 14105. Disposition. The GEC supports Section 6 because it simplifies GEC’s processes by allowing the GEC to count provisional ballots simultaneously with the absentee ballots. Currently, § 14105(a) requires the GEC to count provisional ballots within ten days after an election.

In contrast, § 10114 requires that the GEC accept off-island absentee ballots until the tenth day after any election. Thus, these two statutes require the GEC to count provisional ballots and absentee ballots on two separate days. The proposed amendment to § 14105(a) would allow the GEC to simultaneously count provisional ballots and off-island absentee ballots, thus streamlining the ballot tabulating processes.

Amendments to § 14105(c) and (d) further clarify that all provisional voters meet the voter registration requirements of §§ 3102 and 14104(j) of the election law before the GEC could register provisional voters and use provisional ballot affidavits to remedy incomplete or otherwise deficient voter registration applications.

Section 7. Amends Section 13103. Election to Fill Vacancy in I Liheslaturan Guahan or the Seat of Washington Delegate. The GEC supports the intent of Section 7 with reservations. The amendment seeks to provide a mechanism to fill a vacancy in the Seat of the Washington Representative. The Organic Act states, “[i]n case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.”

The amendment requires the GEC to conduct a special election to fill a vacancy in the Seat of the Washington Representative **only if the vacancy occurs prior to eight months before the date of the next general election**. The GEC respectfully notes that establishing an eight-month threshold for a special election to fill a vacancy could leave Guam without representation in Congress for a significant amount of time. For example, if a vacancy occurs after March 8, 2022, Guam would be without a Washington Representative until the new term in January of 2023. While this may not be an issue concerning other elected offices in Guam, the Washington Delegate position is the lone voice for the people of Guam in the U.S. Congress. The GEC is willing to work with the Committee to find a better solution.

The Organic Act also states that the Delegate shall be elected at large by a majority of votes cast for the office of Delegate. The amendment states that the highest vote getter shall be certified by the GEC as elected. The GEC respectfully requests that the amendment be aligned with the majority requirement mandated by the Organic Act.

Bill No. 174-36

Section 1. Amends Section 15201. Primary Election Date. The GEC supports the date change for a primary election. Conducting the primary election earlier allows the GEC additional time to prepare general election ballots and meet other local and federal election deadlines, such as the deadline to transmit absentee ballots to UOCAVA voters.

Section 2. Amends Section 15206. Time for Filing Nominating Papers; Fees. Section 3. Amends Section 6108. Filing of Nominating Petitions. The GEC supports the change to the filing deadlines for the nominating papers described in Sections 2 and 3. The amendments allow more time for the GEC to process candidate packets, remedy issues relative to candidate filings, ratify candidates, and design, print, and mail out ballots to meet UOCAVA deadlines.

Section 4. Amends Section 3104. Times for Registration; Section 5. Amends Section 3105. Place of Registration; Section 6. Adds a new Section 3102.1(g); and Section 7. Adds new Section 3101.3(h).

The GEC supports the changes described in Sections 4, 5, and 6 because the GEC will have ample time to process Affidavits of Registrations to ensure the accuracy and completeness of all voter information. The additional time also allows the GEC to vet and verify voter information and file Affidavits of Registration before certifying the voter registration rosters and further enables the GEC ample time to print out the official voter signature rosters for each election precinct.

Currently, Guam law provides all eligible voters with different options to register to vote or update their voter registration record. Voters can register online, renew or obtain a driver's license through motor-voter registration, volunteer voter registrars in the community, district registration, and in-person registration at our office. Closing registration earlier will allow for more accurate registration rolls, one of the most critical aspects of elections.

We are available to address additional questions or provide further information. Si Yu'os ma'åse'!

Sinseramente,



Elizabeth B. Santos
Acting Executive Director



SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING
I MINA'TRENTAI SAIS NA LIHESLATURAN GUAHAN

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 173-36 (LS) was introduced on **August 06, 2021** by James C. Moylan and Joe S. San Agustin. The bill was subsequently referred by the **Committee on Rules** to the **Committee on General Government Operations, Appropriations, and Housing** on **August 17, 2021**.

The Committee on General Government Operations, Appropriations, and Housing convened a Virtual Public Hearing on **Bill No. 173-36 (LS)** on **Monday, October 11, 2021, beginning at 10:00 a.m.** via Zoom Virtual Conference Platform.

Public Notice Requirements

Public Hearing notices were disseminated via **e-mail** to all senators and all main media broadcasting outlets on (First Notice), **October 4, 2021** (5-Day Notice), (Second Notice) **October 7, 2021**. (48-Hour Notice).

Senators Present:

Senator Joe S. San Agustin, Chairman
Speaker Therese M. Terlaje, Member
Senator Amanda L. Shelton, Member
Senator Mary Camacho Torres, Member
Senator James C. Moylan
Senator Telo T. Taitague
Senator Joanne M. Brown

Appearing before the Committee:

Elizabeth Santos, Acting Director, Guam Election Commission (GEC)
Thomas San Agustin, Program Coordinator, Guam Election Commission (GEC)
Vince Camacho, Legal Counsel, Guam Election Commission (GEC)

Written Testimony Submitted:

Elizabeth Santos, Acting Director, Guam Election Commission

II. SUMMARY OF TESTIMONY AND DISCUSSION

The Virtual Public Hearing was Called-to-Order at 10:00 A.M.

Chairman Joe S. San Agustin: *Hafa Adai*, The Committee on General Government Operation, Appropriation and Housing is now called to order. Today is Monday October 11 2021 the time now is 10 o'clock welcome to everyone connected by zoom and those tune in via television or the YouTube channel thank you for your patience for commenting the zoom platform while we maintain social distancing mandates public notices notice for this public hearing we're disseminating the email to all senders and all main media

broadcasting outlets on Monday October 4th and then Thursday October 7th we have two Bills that we'll be addressing this morning beginning at 10. We'll begin with Bill number 173-36 LS introduced by Senator Moylan co-sponsored by myself Senator San Agustin an Act to Amend Section 11115 of Chapter 11 Section 9 112 Chapter 9 and Section 1117 of Chapter 1. Section 14105 of Chapter 14 and Section 1303 of Chapter 13 all from Title 3 Guam Code Annotate and to add Section 15110 to Chapter 15 and Section 1124 to Chapter 1 both of Title 3 Guam Code Annotate did related to addressing and modernizing election related issues inclusive of writing votes counting provisional ballots fictionary at polling places the concepts of primary elections certain circumstances and vacancies and our second Bill that will follow immediately after Bill 173 is Bill 174-36 LS introduced again by Senator Moylan and Co-Sponsored by myself Senator San Agustin an act to amend Section 15201 and Section 15206 of Chapter 15 and Section 3104 and Section 3105 of Chapter 3 and Section 6108 of Chapter 6 all from Title 3 Guam Code Annotate to add Section 3102.1G to Chapter 3 of Title 3 Guam Code Annotate and to add Section 3101.3H to Chapter 3 Title 16 Guam Code Annotate relative to addressing election related timelines associated with primary election nomination petition and voter registration. The rules of conduct for these hearings would be the zoom this zoom meeting is hosted by my staff and will mute all zoom participants until called upon members of the committee or non-committee members will be allowed to pose a question to an individual testifying, individuals testifying shall first be recognized by me before speaking and begin by stating their name for record-keeping purposes. When called to speak please ensure that you are unmuted questions and testimonies shall be confined to the substance or nature of the agenda personal inference as to the character or the motive of any Senator or any individual testifying is not permitted. Any violation of this general rule of conduct will result in move from the virtual public hearing the virtual public hearing. Please ensure that your video remains on throughout the hearing participants must be visible at all times and not engaged in any opportunity during the hearing, but if you need to take a drink eat a piece of candy or snack please feel free to do so failure to maintain visibility may cause your move from the meeting live stream. I'd like to acknowledge my colleagues that have joined us this morning and we have Madam Speaker Therese Terlaje we have Senator Amanda Shelton we have Senator Moylan the Author of the Bill Senator Taitague and we have Senator Brown, Thank you all for joining today we will now begin with asking the Author of the Bill Senator Moylan to please provide us with your opening statement sir.

Senator James Moylan: Thank you Mr. Chairman and thank you to my colleagues for being president today and especially thank you to the Guam Election Commission for helping us come up with this measure as introduced today and Mr. Chairman I appreciate your Co-Sponsorship as well thank you so much, I'll keep my opening remarks just really short basically we're modernizing the issues that were reported from the Guam Election Commission as a concern their report of course is the election comparative analysis report which is found on their website at the Guam Election Commission so we're just addressing some of these issues that the election commission has found needed to modernize our current law with for the election regarding vote counting provisions and the ballots and polling places and cancellation of primary elections and certain under certain circumstances as well as vacancies so I'm happy that the Guam Election Commission was able to provide us with a written statement but that

they're here today and I think just by turning it over to them for their testimony Mr. Chairman I think they will well explain the need for this bill and I thank the Election Commission for working closely with our office and Senator San Agustin's office and drafting this measure so Mr. Chairman Thank You very much.

Chairmen Joe S. San Agustin: Thank you Senator Moylan and we are fortunate today to have Elizabeth Santos the Acting Executive Director of the Guam Election Commission while Mrs. Pangilinan happens to be of island take care of some business she'll be back surely and Elizabeth Santos is joined with her colleague our staff Tom I think that's I think he's got a great last name too you know so Mrs. Santos you can go ahead and begin thank you

Elizabeth Santos, Acting Director, Guam Election Commission: *Hafa Adai* Mr. Chairman and Senators we are also joined today with our Legal Counsel Attorney Vince Camacho but again my name is Elizabeth Santos Acting Executive Director of the Guam Election Commission in the absence of Maria Pangilinan who sends her apologies for not being able to attend this morning Si Yu'os ma'ase' for the opportunity to appear before you on build numbers 173-36 and 174-36 and the GEC is mandated by 3 GCA Section 2103-D to submit recommendations of the commission as to the as to amendments or supplementation of laws affecting elections or the office of the commission. The GEC appreciates that the proposed legislation incorporates many of the amendments recommended by the GEC submitted earlier this year these recommendations are rooted in the GEC's commitment to conduct fair honest and open elections most effectively and efficiently possible. Bill number 173-36 Section 1 cancellation of the primary election for certain circumstances, the GEC does not take a position with this proposed section however the GC provides the following. To make Section 1 abundantly clear the GEC requests an amendment to the language to read. In any given election year the Guam Election Commission shall cancel the primary election if equal to or fewer than the maximum number of candidates can advance to the general election for any partisan elected office. GEC requests that the legislation also address the issue of independent candidates Section 15 207 provides that independent candidates may file nomination papers for the primary election then in Section 15404 independent candidates must meet certain thresholds to move on to the General Election the issue then becomes for the GEC do all independent candidates go through to the General Election if the GEC does not conduct a Primary Election for the partisan elected offices. The GEC requests that the proposed legislation address this issue to ensure that all potential candidates have the opportunity to seek elected office regardless of party affiliation. The GEC further recommends that the legislation includes cancellation of the primary election for non-partisan offices currently the office of public accountability and attorney general statutes require a primary election for the public auditor and attorney general. Requiring a primary election for the two non-partisan offices increases election costs substantially because of the cost of printing a separate non-partisan ballot and the amount of time it takes to tabulate the separate ballots. Section 2 amends Section 11115 write-in votes. The GEC supports Section 2 regarding not having to publish the name of write-in if the total votes write-in candidate do not change the vote tabulation for the named candidates removing the publication requirement simplifies GEC processes and eliminates unnecessary costs, currently GC spends a significant amount of time sorting reviewing and tallying write-in votes to publish names such as Mickey mouse and Superman the

proposed amendment requires the GC to report the total number of write-in votes tabulated but only requires the publication of write-in names if the number of write-in votes affects the outcome of any race. The GEC proposes the language to read. The GEC shall count a write-in vote only if the write-in voting oval provided is marked and the elector provides a name written alongside the voting booth. The GEC shall report the results of the total write-in votes for each elected office however the GEC shall only publish the tabulation results for each of the named write-in candidates for that elected office if any write-in candidate receives enough votes to affect the ranking of any qualified candidate for a specific elected office. Section 3 amends Section 9112 electioneering at polling place prohibited. The GEC supports Section 3 However the GEC proposes the language to read. No person shall do any electioneering on election day within 100 feet of any entrance or exit of any polling place, the entrance or exit is defined as the entrance or exit gate if the polling place is fenced the commission may on a case-by-case basis and limited to the current election make an exception to this section through a commission resolution if the GEC deems there to be a safety issue when conducting the election. The GEC has sold discretion and responsibility to determine and mark the 100 feet or other boundaries under this Section notices identifying the newly set perimeter also shall be posted at the entrance and exit of the polling places affected in addition the GEC or any election official present at the polling place may seek the assistance of any law enforcement officer to promptly assist in the enforcement of this section including but not limited to removing any person from the polling place. Section 4 amends Section 1117 Definitions District. The GEC supports Section 4 because it clarifies and makes the definition of district consistent with another provision of Guam law specifically one GCA Section 403. Section 5 adds Section 1124 Definition's Name. The GEC supports Section 5 because it explicitly defines the name for which a candidate must identify on with on all GEC nominating papers however this does not prohibit using a nickname or any other names a candidate may choose to place on the ballot pursuant to 3 GCA 7115. Section 6 amends Section 14 105 Disposition. The GEC supports Section 6 because it simplifies GEC's processes by allowing the GEC to count provisional ballots simultaneously with the absentee ballots currently Section 14105A requires the GEC to count provisional ballots within 10 days after an election in contrast Section 10114 requires that the GEC accept off island absentee ballots until the 10th day after any election thus these two statutes require the GC to count provisional ballots and absentee ballots on two separate days the proposed amendment to Section 14105A would allow the GEC to simultaneously count provisional ballots and off island absentee ballots thus streamlining the ballot tabulating processes. Amendments to Sections 14105 C and D further clarify that all provisional voters meet the voter registration requirements of Sections 3102 and 14104J of the election law before the GEC can register provisional voters and use provisional ballot affidavits to remedy incomplete or otherwise deficient voter registration applications. Section 7 amends Section 13103 Election to fill vacancy in the Liheslaturan Guåhan or the seat of Washington Delegate the GEC supports the intent of Section 7 with reservations the amendment seeks to provide a mechanism to fill a vacancy in the seat of the Washington Representative. The Organic Act states in case of a permanent vacancy in the office of delegate by reason of death resignation or permanent disability the office of delegates shall remain vacant until a successor shall have been elected and qualified. The amendment requires the GEC to conduct a special election to fill a vacancy in the seat of the Washington Representative

only if the vacancy occurs prior to eight months before the date of the next general election. The GED respectfully notes that establishing an eight-month threshold for a special election to fill a vacancy could leave Guam without representation in Congress for a significant amount of time, for example if a vacancy occurs after March 8 2022, Guam would be without a Washington Representative until the new term in January of 2023 while this may not be an issue concerning other elected offices in Guam the Washington Delegate position is the lone voice for the people of Guam in the U.S. Congress. The GEC is willing to work with the committee to find a better solution. The Organic Act also states that the Delegate shall be elected at large by a majority of votes cast for the office of Delegate. The amendment states that the highest vote getter shall be certified by the GEC as elected. The GEC respectfully requests that the amendment be aligned with the majority requirement mandated by the Organic Act. This concludes our testimony for Bills 173-36 would you like us to move on to 174 or have questions first?

Chairman Joe S. San Agustin: Will have you hold off Ms. Santos on the 174 just so that every we just stick with the 173 first I'd like to also recognize Senator Mary Camacho Torres who joined us and we'll begin questions from my colleagues Senator Amanda Shelton do you have any questions?

Senator Amanda L. Shelton: Thanks Mr. Chair I'll try to go in the order of the testimony and the bill it was a lot to take in but I might have more questions towards the end if you come back to me but just a couple of things. Thank you very much for your testimony. Could you expand a little bit up on the typical number of write-in votes that happened during an election?

Elizabeth Santos, Acting Director, GEC: So this is Tom San Agustin we actually have our election comparative analysis report from 2020. So really the number of writing votes vary by race in past elections we have not at least in my time at GEC have not seen a write-in candidate get enough votes to affect the race of named candidates on the ballot but overall in terms of all the ballots cast the number of write-in votes in total are significant when we're sorting and trying to list all the names um reviewing each ballot that has write-in votes but for an example in 2018 there were 80 write-in votes for the office of Attorney General there were let's see if I can give you 2020. In 2020 in the Mayoral race the total number of write-in votes was 1415. so with this the way that the election code is written now GEC would have to review all those ballots that have the write-in the write-in oval marked filled in and then we would have to review the name and publish after we review the names we have to tally all the names and report how many votes each name got and a lot of the times they're just fake names.

Senator Amanda L. Shelton: You'd say majority of the time you're receiving names that don't actually exist I guess I'm most concerned about for example Mayoral votes and the write-ins there how those can make a difference in such a small a smaller race compared to the legislature's race or a Gubernatorial race and how those names are significant and of course to the public wanting to see those names being published if there is maybe some kind of exception that we need to make for maybe a smaller threshold or one to publish a name I don't know that's just an idea a concern that I can see when races are really tight.

So the amended language we would still publish names if the number of write-in votes does affect that race so in races like you said for me Mayoral and Vice Mayoral races we would likely have to publish names if that number is going to affect the outcome of that race .

Senator Amanda L. Shelton: So is there a mechanism for the public to perhaps request for the names to be published at a later date or for them to see to see that for themselves if a candidate was curious or supporters were curious.

Elizabeth Santos, Acting Director, GEC: Well at this point if their request is to review the ballot itself with names and NO, because those ballots have to be sealed but right now because the law makes us publish names there we do publish the names on our website and if this amendment is passed we would have to create a mechanism for people to ask to review the number of write-in votes..

Senator Amanda L. Shelton: Is that something you think you can do I mean obviously you do it right now you publish all of the names but to come up with that that type of mechanism for someone to request the names it is something that you are capable of I'm sure. yes okay all righty thank you very much okay and so I wanted to go to the last section that you were talking about filling the seat of a Washington u have about the eight months prior and leaving that seat vacant if anything were to happen after eight months so I know that you support this with reservation is there a recommendation that the election commission would give to us to make this a better amendment to the law.

Elizabeth Santos, Acting Director, GEC: At this point we're just noting that the eight months is long I guess we would say shorten it but of course that is up to the committee.

Senator Amanda L. Shelton: Okay and can you take us through your timeline of running a special election how many days do you need to get you to notify the public to plan to prepare and to execute.

Elizabeth Santos, Acting Director, GEC: So for the special election after the vacancy has been declared we have to hold the special elections 60 days after that vacancy is declared within those 60 days there are timelines for candidates to file I think in the section in the bill the candidate packet would be due no later than 40 days prior to the special election date and then with regard to other filings such as campaign finance that with regard to the delegate those deadlines are specific from the federal election commission I am not as familiar with those deadlines as I am with local deadlines for campaign finance but there would be filing deadlines for the delegate in a special election as well other than that registration would close 10 days prior to the special election so that we can finalize the voter registration rules print signature rosters and have them ready for the special election date training for precinct officials will happen within those 60 days prior to the election and also our coordination with other government agencies such as GPD and DPW for and DOE for the use of polling sites and the buses that are used to transport precinct officials and ballots to and from polling sites into the UOG so basically in a special election our timeline is within 60 days from vacancy to the special election date and all of those things have to be coordinated within that 60-day period.

Senator Amanda L. Shelton: Okay so we could certainly shorten that eight-month period if the vacancy were to occur within a shorter time than eight months it would just be a pretty tight you folks are used to it you can move fast within your 60-day window it is possible okay so that's something that we'll have to discuss more okay and if I could just go back to the provisional and absentee ballots this change that's being proposed here for the provisional ballots and the absentee ballots can you give us any data about how significant these are to changing the preliminary results that we see that come in on election night if we were to wait to count these provisional ballots and with the absentee ballots later.

Elizabeth Santos, Acting Director, GEC: So with the provisional ballots even without the changes proposed in this Section we do have to wait a certain number of days to process the provisional ballot. The provisional ballot law allows seven days for voters to come in and remedy let's say they forgot to sign the affidavit envelope or they didn't present an ID at the polling site on election day which is why they voted provisional so there already is a certain number of days that it takes for us to process provisional ballots so it wouldn't be like we wouldn't have results for provisional voters on election night really this change would allow us to not count within two days so let's say provisional ballots they are cured within the seven days and they are qualified and so we have to count them within 10 days of the election so for example in the last runoff election we counted provisional ballots for the general election on election night of the runoff and then we had to open the ballots again 10 days after so that we can count the absentee ballots that were received from off island and so these sections really is just to allow us to not have to open the ballot envelopes on so many different occasions we would just like to streamline it so that they're open at once. With regard to the number of provisional voters in 2020 Tom will address this.

Thomas San Agustin, Program Coordinator, GEC: Hi Senator so in regards to affecting the race normally for the absentee we will traditionally wait for about roughly around a little over 150 ballots in the case of the provisional through my experience I've only seen cases of smaller races such as the Mayoral races were the provisional ballot may affect the outcome of the race but so far in our history of doing the provisional it has not affected any of the races.

Senator Amanda L. Shelton: Okay thank you very much thank you Tom thank you Liz for the information today I appreciate it and thank you also to Attorney Vince thank you for being here.

Chairman Joe S. San Agustin: Thank you thank you Senator Shelton Madam Speaker do you have any questions to the Guam Election folks?

Speaker Therese M. Terlaje: Yes thank you and thank you Ms. Santos for being the Acting Director today you and Tom are doing a great job thank you thank you and I like the recommendations that you've made to change the highest vote getter to majority to be consistent with the Organic Act and the other recommendations throughout the Bill so I'm sure the Chairman will consider those if I could just concentrate on Section 1 of the Bill where you talked about canceling the Primary so the bill currently talks about if fewer than maximum number of partisan candidates who can advance to the General Election are running in both political parties and I was wondering how that was going to

be interpreted but your suggestion is asking us to depart from this both political parties and talk about if equal to or fewer than the maximum number of candidates can advance the General Election for any partisan elected office so would that mean this provision allows you to cancel one side for example just

Elizabeth Santos, Acting Director, GEC: No.

Speaker Therese M. Terlaje: not does another provision of law allow that?

Elizabeth Santos, Acting Director, GEC: Currently no.

Speaker Therese M. Terlaje: So if there's a fewer than the number in the Democrat Party for example you would still run an election I mean right now

Elizabeth Santos, Acting Director, GEC: Yes

Speaker Therese Terlaje: run an election yeah and so this so do you think that your language would allow you your proposed language would allow you to cancel it for one side only

Elizabeth Santos, Acting Director, GEC: No.

Speaker Therese M. Terlaje: Okay so it's either all or none we have a primary you're this only this bill only affects whether we have a primary at all not cancel the primary on one side or the other

Elizabeth Santos, Acting Director, GEC: it wouldn't it would be by offers so if we take the legislature for example if the democrats put forth 15 candidates in the primary election and republicans have 15 then only that race would be cancelled if let's say in the Gubernatorial race there is only one Democrat team and one Republican team then that race would be canceled so it would really be by race and then also by off by party.

Speaker Therese M. Terlaje: All right and do you does the do you know the federal race the Washington Representative has any restrictions regarding what we do in a Primary

Elizabeth Santos, Acting Director, GEC: No. The Organic Act does not mandate a Primary Election where it does get where the Delegate Race would be affected is if there are more than one candidate in each party in the General Election it's likely that we would have to have a runoff but there's nothing in the Organic Act that states that the Delegate race has to be in the Primary Election

Speaker Therese Terlaje: All right and I appreciate your suggestion regarding the eight months I'm going to think about that I agree it's a very long period to be without a representative it's a long period to be without any of our elected officials, I think we just have to balance right getting them in there for one month only is it worth it the cost of an election right and if you could just remind us what is the cost of a special election

Thomas San Agustin, Program Coordinator, GEC: Hi Senator so I guess in the case of the Delegate to run an island one election would cost around 300 some thousand I guess you could think of it because there are some fixed costs fixed election costs such as despite how many races are on the ballot we would still have to pay for precinct officials that will roughly range around \$117,000 we will still have to do the same

amount of ballot production also solicit busing services and the usage of the DOE Facilities it really depends on which race and if there's an island-wide we still have a lot of election costs to cover if it's a single race like a mayoral then of course the class will be quite substantial.

Speaker Therese M. Terlaje: All right and then, finally the what's the other on the printing the writing so I'm trying to balance right I think if there is a legitimate write-in candidate they would like to see how many votes they received so I hate to not publish those results. I understand you know we're publishing silly results as well but to not publish someone who actually ran a write-in you know candidacy I would like to publish those for them so I'm going to consider that I guess that and you're saying that the harm in the current statute is that it's just taking it's costly you said and it's unnecessary costs and you want to simplify the process the cost is really you have to look at those names anyways and you have to tally them right they have to be tallied isn't that right

Thomas San Agustin, Program Coordinator, GEC: Yes

Speaker Therese M. Terlaje: So in the end you're tallying them and it's just a matter of publicizing them or not and you said you really don't publish them in the newspaper you publish them on your website?

Elizabeth Santos, Acting Director, GEC: Yes

Speaker Therese M. Terlaje: Okay so I'm kind of inclined that that's the only one I might you know disagree that if you're only incurring the cost of publishing it on your website that I would go forward with it for especially those cases where we have some real legitimate writing candidates and I think we had that in this last election but anyway in some of the Mayoral Races I would like them to see their results, but all right, and Thank you very much Mr. Chair and thanks again to Guam Election Commission.

Elizabeth Santos, Acting Director, GEC: Thank you Speaker.

Chairman Joe S. San Agustin: Thank you Madam Speaker. Senator Telo do you have any questions for the panel?

Senator Telo T. Taitague: Thank you Mr. Chair actually Speaker had all the questions I had with regards to my list but there was one thing that was mentioned first I'd like to thank you guys down at Guam Election Commission for all the hard work that you're doing and appreciate you being here to provide us your testimony which you know will take some time to read since we just got it while you were speaking so we can go over thoroughly and I'm sure you'll answer any questions we have if we give you a call, however there was one question that was brought up with Speaker in the event that there's 15 on each side in the Primary for the Senatorial side then there would be no Election or Primary Election for Senators correct?

Elizabeth Santos, Acting Director, GEC: Correct

Senator Telo T. Taitague: Okay and then but what if the Democrats have 16 running on the Democrat side and the Republicans have 15 do we still have a Primary?

Elizabeth Santos, Acting Director, GEC: Yes a Primary Election would be held for both parties.

Senator Telo T. Taitague: For both parties so it's only in the event I just wanted to clarify it only in the event and you think the language in the legislation is clear about 15 and not anything above because

Elizabeth Santos, Acting Director, GEC: That's why we added the equal to or fewer than yeah so if it in the case of the legislature it would be 15 or less

Senator Telo T. Taitague: yeah, so that's important to put on okay other than that thank you so much I appreciate it okay thank you thank you

Elizabeth Santos, Acting Director, GEC: Thank you Senator

Chairman Joe S. San Agustin: Thank you Senator Telo Senator Brown do you have any questions ma'am.

Senator Joanne M. Brown: Thank you very much Mr. Chair I just wanted to get further clarification with regards to what's required for the Congressional Billing a Congressional vacancy what is required Federally if a vacancy happens seven months before the next election or three months before the next Election what is their requirement because I assume that's what we have to be consistent with if I can

Elizabeth Santos, Acting Director, GEC: Really the only thing the only guidance is the Organic Act that says that the seat remains vacant until another Election there is no time frame established by the Organic Act so that's why we support creating the mechanism to fill a vacancy just so that in the event that there is one you know we will know how to proceed but with regard to Federal Law there really is no time frame.

Senator Joanne M. Brown: Does the Organic Act allow us to Amend to put language in for a vacancy for a Congressional Candidate?

Elizabeth Santos, Acting Director, GEC: Yes, it does

Senator Joanne M. Brown: Okay and one just hasn't been put in place I hope I hope the question's not being raised because we're anticipating a vacancy in the Congressional Seat okay so we are allowed then to set a timeline and this is just making it consistent with what we have for the other elected positions of eight months everyone knows the magic month of march of the year of the election year of the election for a time for vacancy I also the concern raised by Speaker Terlaje I also concur with her that I think we still need to have that published I mean we've known for years you know some people want to put something funny in and put Mickey mouse or Donald duck as their candidate, I don't know why they make all the effort to go to the voting place to do that but for some they have interesting sense of humor but I agree with the Speaker I think that information should still be available to the public you may have other individuals who are being nominated maybe they didn't have an overwhelming number of votes but nevertheless or write in of their name but I think it's important just for awareness and transparency with that information still be made available even if it's a silly name, in all fairness for the voting public and the community to know who wrote who, I think that's important to do since that obviously is the main priority and mission of the Election Commission other than that I don't have a concern with the legislation but I hope we can

at least address those issues going back to the provisional Ballots you mentioned right now your process is you count the votes that are on island first is that how it goes with your procedure you prioritize counting on island votes first and then after is that when you guys open the envelopes for off island votes or how does that how does that all work out in the process?

Elizabeth Santos, Acting Director, GEC: It's not that we prioritize it it's just with the timeline set in the election code now there are specific no there are a specific number of days in which voters can complete their provisional valid affidavits and then also there is a we are supposed to count it within 10 days of the election and so that statute of counting within 10 days and then in a separate statute for absentee ballots we are required to wait until 5 p.m. on the 10th day after the election to accept off island absentee ballots and so it's just because those days are so close together but also can fall you know one earlier than the other provisional earlier than the absentee we just wanted it so that we are tabulating all of them together so that the law can allow us to tabulate it all together

Senator Joanne M. Brown: Okay and then the 10 days I assume it's just allowing because these are people mailing in their ballots from off island just to give them the additional time with the mailing process to send it into to Guam okay I don't I otherwise I don't think I have any concerns with regards to what's been provided but I again just want clarification as was asked by one of my colleagues earlier Senator Telo with regards to so if one party has more than 15 it still will require a primary for both parties

Elizabeth Santos, Acting Director, GEC: Yes

Senator Joanne M. Brown: Let's be optimistic let's say the republicans had 18 and the democrats had 12 just for the sake of hypothetical review here would you still hold a primary for both party candidates would be listed

Elizabeth Santos, Acting Director, GEC: Yes

Senator Joanne M. Brown: and people could still in their primary vote for whoever they wanted to vote for on their respected side of the ballot

Elizabeth Santos, Acting Director, GEC: Yes

Senator Joanne M. Brown: okay I just wanted to get that clarified thank you so much for your participation and testimony on this bill I appreciate your responses and certainly thank you very much Mr. Chairman for the opportunity to ask the question thank you

Chairman Joe S. San Agustin: Thank you Senator Brown Senator Torres do you have any questions for the Election Commission

Senator Mary Camacho Torres: Yes I was just wondering I appreciate the testimony and I a lot of what I was thinking about you had covered in your testimony so thank you very much for that, but in the Election Commission I know that one of the concerns is always how to make the experience for the voter attractive in terms of it being the facility it being easy accessible for them to encourage people to come out to vote register to vote and come out to vote is there anything about this legislation that you think might

be something that discourages somebody from participating in the election process or do you see no adverse effects from this type of reform, I'm just wondering randomly in terms of when we want to encourage people is this does this serve in some way to discourage in your opinion?

Elizabeth Santos, Acting Director, GEC: As a whole no I don't think that it serves to discourage anyone from coming out actually the section on the electioneering boundaries I think would encourage more people to come out making those boundaries clear and keeping the entrance and exits to the polling sites clear of campaigners or signs so that it they can voters can safely enter and exit polling sites. I think would actually encourage more people to show up on Election day.

Senator Mary Camacho Torres: Okay just thought I'd bring that up because that's you know every it's always about facility right what do we do to make the experience something that encourages them to come out but otherwise your answers and your comments I thought were very on point and you know very professionally thought through so thanks a lot for that and keep up the good work

Elizabeth Santos, Acting Director, GEC: Thank you Senator, Thank you Senator

Chairman Joe S. San Agustin: Thank you Senator, Senator Moylan do you have any questions for the Election Commission?

Senator James Moylan: It's really thorough presentation I really want to thank them for this and their recommendations to strengthen the bill my colleagues asked most of the questions as well but there's one thing we didn't really touch on maybe the Election Commission can just clarify, under Section 5 there's a change in the definition under name can you give an example of why this is part of and some things that you have seen and if there was difficulty explaining that to candidates on why this will be helpful for the Election Commission please?

Elizabeth Santos, Acting Director, GEC: So in the past we have had occasions where we receive nominating petitions that have a nickname or some other alias rather than the candidate's legal name and then it was up to the commission to determine whether or not those nominating petition would be counted towards the number of signatures required for office, and so creating this definition or establishing this definition in law would just make it clear to everyone who wants to run for office and also the law requires the legal name of candidates to be on the ballot and so it just makes it clear that all the forms regarding candidates see have to have the candidate's legal name printed and then also we just like to make it clear for everyone because we know that the second identifier line on the ballot is important to candidates we want to make it clear that this section won't change that it's just to make sure that the candidate's legal name appears on all the documents on all the documents for candidacy and it also encourages transparency for the electorate.

Senator James Moylan: Thank you very much Mr. Chair I have no other questions and I really appreciate the presentation today I agree with their opening statement especially that saying these types of modernization acts it's fair, it's honest, it's open and it's making it more efficient and effective as possible. So hopefully that helps us to gain more folks

coming out and voting eventually so Thank you to my colleagues and Thank you to the Election Commission Thank you Mr. Chair.

Chairman Joe S. San Agustin: All right Thank you Senator Moylan there being that there's no other individual Senator Telo

Senator Telo T. Taitague: Just real quick Mr. Chair with regards to the publishing of the you know the names that are going out I know that is there anything in the is in this legislation that prohibits you from doing it publishing in the paper versus online are you most likely going to do online then you know save money and instead of publish it in the paper the only reason why is we have a lot of *manamko* who don't have access to online and many of them are if you look at your count many of them are all voters you know they're they're probably the mass voters coming in but they don't have access to online, so is there any way the this legislation or you have any issues of ensuring that this is published you know in the paper for them to see than online

Elizabeth Santos, Acting Director, GEC: Yeah nothing, nothing prohibits us from publishing in the newspaper, the other sections in the election code actually require us to publish the qualified candidates in the newspaper with regard to the write-in votes, we publish on our website as a cost-saving measure but nothing in the election code will prohibit us from publishing in the newspaper.

Senator Telo T. Taitague: Okay I hope that you guys maintain that for now you know please still not totally gone techy all the way so especially thank you so much, thanks Mr. Chair just wanted to verify today

Chairman Joe S. San Agustin: Thank you Senator Telo for making that clarification and thank you very much for making that statement we will continue there's no one else to testify we'll continue the committee continue to submit to receive testimony and please submit the testimony to the mailroom of the Guam Legislation, through email senatorjoesanagustin@gmail.com that being said again I'd like to thank everyone for attending this virtual public hearing and for providing feedback and suggestion on Bill 173 the Public Hearing is now adjourned time now is 10:46 we will now continue on this hearing now, but we're going to address bill 174 continuation of the election commission bills and with that a reminder we're still on track.

The Virtual Public Hearing is adjourned at 10:46 a.m.

III. Findings and Recommendations

The Committee finds that the Guam Election Commission had proffered amendments during the Public Hearing on Bill 173-36 (LS), which the Committee and the Main Sponsor of the Bill had accepted. The following amendments had been placed into the Substitute bill in accordance with the Guam Election Commission Testimony:

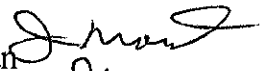
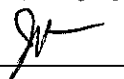
- a. Section 1. Cancellation of the Primary Election for Certain Circumstances, the GEC requested to amend the language to, “In any given election year, the Guam Election Commission shall cancel the Primary Election if equal to or fewer than the maximum number of candidates can advance to the General Election for any partisan elected office.”
 - a. The GEC recommended that the Primary Election be cancelled for the nonpartisan offices such as the Office of Public Accountability and Attorney General, which increases election costs substantially because of the cost of printing a separate nonpartisan ballot and the amount of time it takes to tabulate the separate ballots.
 - b. The Committee had accepted the language provided by Guam Election Commission.
- b. Section 2. Amended Section 11115. Write In Votes. The Guam Election Commission supports the amendment of not having to publish the name of the write-ins if the total votes of the write-in candidate do not change the vote tabulation for the write-in candidates. This allows the GEC to cut on cost mostly if such write-in candidates is named “Superman” and “Mickey Mouse.” The language of the introduced Bill requires the GEC to report the total number of write-in votes tabulated but only requires publication of write-in votes names if the number of write-in votes affects the outcome of the race. The GEC recommend amending the language to maintain clarity, which was accepted by the Committee.
- c. Section 3. Amends Section 9112. Electioneering at Polling Place Prohibited. According to the Testimony provided by GEC, they are in support of Section 3, but recommended the language to be used, which the Committee had accepted.
- d. Section 7. Amends Section 13103. Election to Fill Vacancy in I Liheslaturan Guan or the Seat of the Washington Delegate. The Guam Election Commission had voiced out that they had reservations to the amendment of the introduced bill which seeks to provide a mechanism to fill a vacancy in the Seat of the Washington Delegate. The removal of the period of eight (8) months was accepted by the Committee with the support of the Guam Election Commission. If such vacancy occurs for the Seat of the Washington Delegate, a Special Election shall take place and the candidate with majority votes casted shall be certified by the Guam Election Commission as elected. The amended aligns with the Organic Act, which the Committee accepted and included into the Substitute Bill.

The **Committee on General Government Operations, Appropriations, and Housing** hereby reports out **Bill No.173-36 (LS)** – As Introduced by James C. Moylan and Joe S. San Agustin. As Substituted by the Committee on General Government Operations, Appropriations, and Housing. – **“AN ACT TO *AMEND* § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.”** with the recommendation
TO REPORT OUT ONLY .

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 173-36 (LS)

Introduced by:

James C. Moylan 
Joe S. San Agustin 

AN ACT TO *AMEND* § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO *ADD* § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new § 15110 is here by *added* to Chapter 15 of Title 3, Guam
3 Code Annotated to read as follows:

4 **“§ 15110. Cancellation of the Primary Election for Certain Circumstances.**

5 Notwithstanding any other provisions of the law, rule, or regulation to the
6 contrary, if fewer than the maximum number of partisan candidates who can
7 advance to the general election are running in both political parties in any election
8 year, the primary election *shall* not take place for that contest for that election year.

9 This subsection *shall* only apply to the following election contests;

10 (a) *I Liheslaturan Guåhan*;

1 **(b) a team consisting of *I Maga'laha* Guåhan [Governor] and**
2 ***Segundu Na Maga'laha* Guåhan [Lieutenant Governor];**

3 **(c) Washington Representative;**

4 **(d) Mayor; and**

5 **(e) Vice Mayor.**

6 **Section 2.** § 11115 of Chapter 11 of Title 3, Guam Code Annotated, is
7 hereby *amended* to read as follows:

8 **§ 11115. Write-in Votes.**

9 If the write-in voting oval or other defined space provided is marked, a
10 write-in vote shall be counted for the office under which it is marked, provided a
11 name is written alongside the voting oval or other defined space shown. ~~The write-~~
12 ~~in names appearing next to the marked write-in voting ovals or other defined space~~
13 ~~provided for that office shall be tabulated and published.~~ If the total number of
14 write-in votes counted for an office could change the results as to the person
15 having the largest number of votes for that office, the names appearing next to the
16 marked write-in voting oval or other defined space for that office shall be tabulated
17 and published. Otherwise, only the total number of write-in voting ovals or other
18 defined spaces marked shall be tabulated.

19 **Section 3.** § 9112 of Chapter 9 of Title 3, Guam Code Annotated, is hereby
20 *amended* to read as follows:

21 **§ 9112. Electioneering at Polling Place Prohibited.**

22 No person *shall* do any electioneering on election day within one hundred
23 (100) feet of any entrance and/or exit of any polling place. In the case of a school,
24 the entrance is hereby defined as the entrance gate, if the school is fenced. The
25 Commission may, on a case-by-case basis and limited to the election then
26 forthcoming, create an exception to this Section through resolution in order to
27 safely conduct the election. Notices identifying the newly set perimeter also shall

1 be clearly posted at the polling place(s) affected. The Commission shall be
2 responsible for determining and marking the one hundred (100) feet or other
3 boundaries under this section. Upon request of the Commission or any election
4 official present at the polling place, the Guam Police Department shall promptly
5 assist in the enforcement of this section.

6 **Section 4.** § 1117 of Chapter 1 of Title 3, Guam Code Annotated, is hereby
7 *amended* to read as follows:

8 **§ 1117. Same: District Precinct.**

9 Each district of Guam, as defined in Title 1 GCA § 403, *shall* constitute a
10 voting district precinct.

11 **Section 5.** A new § 1124 is hereby *added* to Chapter 1 of Title 3, Guam
12 Code Annotated to read as follows:

13 **“§ 1124. Name.**

14 In the case of a candidate or a nominee, the word ‘name’ shall mean the
15 name that appears on his or her United States Birth Certificate, United States
16 Passport, Certificate of Naturalization, Court Ordered Name Change, Certificate of
17 Marriage, or any identification meeting the REAL ID Act requirements issued by a
18 state. Anywhere in this Title the word ‘name’ appears, this definition shall apply.”

19 **Section 6.** § 14105 of Chapter 14 of Title 3, Guam Code Annotated, is
20 hereby *amended* to read as follows:

21 **§ 14105. Disposition.**

22 (a) Counting Provisional Ballots. ~~Within ten (10) days after any~~
23 ~~election,~~ Prior to the certification of any election, the Commission shall
24 count the provisional voter’s choices for every race for which the voter was
25 eligible to vote. When a provisional voter casts a provisional ballot in the
26 incorrect precinct, election officials shall count the votes on that ballot in

1 every race for which the voter would be entitled to vote if he or she had been
2 in the correct precinct.

3 (b) Opportunity to Remedy Incomplete Provisional Ballots.
4 Provisional voters who lacked required information, such as proof of identity
5 or failure to sign, shall be notified and shall be granted a seven (7)-day
6 period to comply or supply missing information. Failure to abide shall
7 constitute a spoiled provisional ballot.

8 (c) Provisional Ballots as a Remedy for Incomplete or Deficient
9 Registration Applications. Provisional ballots shall serve to remedy
10 incomplete or otherwise deficient voter registration applications. In the event
11 that a voter is denied the right to vote a regular ballot because of an
12 incomplete or otherwise deficient voter registration application, the
13 provisional ballot shall be used to complete said voter's application,
14 provided that the provisions pursuant to §§ 3102 and 14104(j) of Title 3,
15 Guam Code Annotated have been met. The provisional voter shall be
16 deemed registered as of the date of the original application. ~~Within ten (10)~~
17 ~~days after an election, w~~When the voter's application shall have been
18 satisfactorily completed and deemed valid, the provisional ballot shall be
19 counted prior to the certification of any election.

20 (d) Registration of Unregistered Provisional Voters. Election officials
21 shall register provisional voters, if they are not already registered or who are
22 eligible to be registered, based on the information provided on the
23 provisional ballot envelope and provided that the provisions pursuant to §§
24 3102 and 14104(j) of Title 3, Guam Code Annotated have been met.

25 **Section 7.** § 13103 of Chapter 13, Title 3, Guam Code Annotated, is hereby
26 *amended* to read as follows:

1 **§ 13103. Election to Fill Vacancy in *I Liheslaturan Guåhan* (the Guam**
2 **Legislature) or the Seat of the Washington Representative.**

3 The Guam Election Commission *shall* call for and conduct a special election
4 on a Saturday on or about sixty (60) days of any vacancy whenever:

5 (a) one (1) or more vacancies occur therein prior to eight (8) months
6 before the date of the next general election of Members of *I Liheslaturan*
7 *Guåhan* (the Guam Legislature); or-

8 (b) a vacancy occurs therein prior to eight (8) months before the date
9 of the next general election of the Washington Representative.

10 Candidates *shall* file their candidacies no later than forty (40) days prior to
11 the special election date. There *shall* be no primary election. For the vacant seat as
12 a Member of *I Liheslaturan Guåhan* (the Guam Legislature) tThe highest vote
13 getter or vote getters, if there is more than one (1) vacancy, *shall* be certified by the
14 Guam Election Commission as elected, and *shall* be administered the oath of office
15 immediately to fill the unexpired vacancy. For the vacant seat of the Washington
16 Representative, the highest vote getter *shall* be certified by the Guam Election
17 Commission as elected.

18 **Section 8. Severability.** If any provision of this Act or its application to
19 any person or circumstance is found to be invalid or contrary to law, such
20 invalidity *shall not* affect other provisions or applications of this Act that can be
21 given effect without the invalid provision or application, and to this end the
22 provisions of this Act are severable.

23 **Section 9. Effective Date.** The act *shall* be effective immediately upon
24 enactment.

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 173 -36 (LS)

As Substituted by the Committee on General Government,
Operations, Appropriations, and Housing.

Introduced by:

James C. Moylan
Joe S. San Agustin

AN ACT TO *AMEND* § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO *ADD* § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 15110 is here by *added* to Chapter 15 of Title 3, Guam Code Annotated to read as follows:

“§15110. Cancellation of the Primary Election for Certain Circumstances.

Notwithstanding any other provisions of the law, rule, or regulation to the contrary, in any given election year, the Guam Election Commission *shall* cancel the Primary Election if equal to or fewer than the maximum number of candidates can advance to the General Election for any partisan elected office.

1 **Section 2.** § 11115 of Chapter 11 of Title 3, Guam Code Annotated, is
2 hereby *amended* to read as follows:

3 **§ 11115. Write-in Votes.**

4 The GEC *shall* count a write-in vote only if the write-in voting oval
5 provided is marked and the elector provides a name written alongside the voting
6 oval. The GEC *shall* report the results of the total write-in votes for each elected
7 office. However, the GEC *shall* only publish the tabulation results for each of the
8 named write-in candidates for that elected office if any write-in candidate receives
9 enough votes to affect the ranking of any qualified candidate for a specific elected
10 office.

11 **Section 3.** § 9112 of Chapter 9 of Title 3, Guam Code Annotated, is hereby
12 *amended* to read as follows:

13 **§ 9112. Electioneering at Polling Place Prohibited.**

14 No person *shall* do any electioneering on election day within one hundred
15 (100) feet of any entrance and/or exit of any polling place. The entrance or exit is
16 defined as the entrance or exit gate if the polling place is fenced. The Commission
17 *may*, on a case-by-case basis and limited to the current election, make an exception
18 to this Section through a Commission Resolution if the GEC deems there to be a
19 safety issue when conducting the election. The GEC has sole discretion and
20 responsibility to determine and mark the one hundred (100) feet or other
21 boundaries under this Section. Notices identifying the newly set perimeter also
22 *shall* be posted at the entrance and exit of the polling place(s) affected. In addition,
23 the GEC or any election official present at the polling place *may* seek the
24 assistance of any law enforcement officer to promptly assist in the enforcement of
25 this Section, including but not limited to removing any person from the polling
26 place.

1 **Section 4.** § 1117 of Chapter 1 of Title 3, Guam Code Annotated, is hereby
2 *amended* to read as follows:

3 **§ 1117. Same: District.**

4 Each district of Guam, as defined in Title 1 GCA § 403, *shall* constitute a
5 voting district.

6 **Section 5.** A new § 1124 is hereby *added* to Chapter 1 of Title 3, Guam
7 Code Annotated to read as follows:

8 **“§ 1124. Name.**

9 In the case of a candidate or a nominee, the word ‘name’ *shall* mean the
10 name that appears on his or her United States Birth Certificate, United States
11 Passport, Certificate of Naturalization, Court Ordered Name Change, Certificate of
12 Marriage, or any identification meeting the REAL ID Act requirements issued by a
13 state. Anywhere in this Title the word ‘name’ appears, this definition *shall* apply.”

14 **Section 6.** § 14105 of Chapter 14 of Title 3, Guam Code Annotated, is
15 hereby *amended* to read as follows:

16 **§ 14105. Disposition.**

17 (a) Counting Provisional Ballots. Prior to the certification of any
18 election, the Commission shall count the provisional voter’s choices for
19 every race for which the voter was eligible to vote. When a provisional voter
20 casts a provisional ballot in the incorrect precinct, election officials shall
21 count the votes on that ballot in every race for which the voter would be
22 entitled to vote if he or she had been in the correct precinct.

23 (b) Opportunity to Remedy Incomplete Provisional Ballots.
24 Provisional voters who lacked required information, such as proof of identity
25 or failure to sign, shall be notified and shall be granted a seven (7)-day
26 period to comply or supply missing information. Failure to abide shall
27 constitute a spoiled provisional ballot.

1 (c) Provisional Ballots as a Remedy for Incomplete or Deficient
2 Registration Applications. Provisional ballots shall serve to remedy
3 incomplete or otherwise deficient voter registration applications. In the event
4 that a voter is denied the right to vote a regular ballot because of an
5 incomplete or otherwise deficient voter registration application, the
6 provisional ballot shall be used to complete said voter's application,
7 provided that the provisions pursuant to §3102 and §14104(j) of Title 3,
8 Guam Code Annotated have been met. The provisional voter shall be
9 deemed registered as of the date of the original application. When the voter's
10 application shall have been satisfactorily completed and deemed valid, the
11 provisional ballot shall be counted prior to the certification of any election.

12 (d) Registration of Unregistered Provisional Voters. Election officials
13 shall register provisional voters, if they are not already registered or who are
14 eligible to be registered, based on the information provided on the
15 provisional ballot envelope and provided that the provisions pursuant to
16 §3102 and §14104(j) of Title 3, Guam Code Annotated have been met.

17 **Section 7.** § 13103 of Chapter 13, Title 3, Guam Code Annotated, is hereby
18 *amended* to read as follows:

19 **§ 13103. Election to Fill Vacancy in *I Liheslaturan Guåhan* (the Guam**
20 **Legislature) or the Seat of the Washington Representative.**

21 The Guam Election Commission *shall* call for and conduct a special election
22 on a Saturday on or about sixty (60) days of any vacancy whenever:

23 (a) one (1) or more vacancies occur therein prior to eight (8) months
24 before the date of the next general election of Members of *I Liheslaturan*
25 *Guåhan* (the Guam Legislature); or

26 (b) a vacancy occurs with the office of the Washington
27 Representative.

1 Candidates *shall* file their candidacies no later than forty (40) days prior to
2 the special election date. There *shall* be no primary election. For the vacant seat as
3 a Member of *I Liheslaturan Guåhan* (the Guam Legislature) the highest vote getter
4 or vote getters, if there is more than one (1) vacancy, *shall* be certified by the
5 Guam Election Commission as elected, and *shall* be administered the oath of office
6 immediately to fill the unexpired vacancy. For the vacant seat of the Washington
7 Representative, the candidate who obtains the majority of votes for the office of
8 Delegate *shall* be certified by the Guam Election Commission as elected.

9 **Section 8. Severability.** If any provision of this Act or its application to
10 any person or circumstance is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this Act that can be
12 given effect without the invalid provision or application, and to this end the
13 provisions of this Act are severable.

14 **Section 9. Effective Date.** The act *shall* be effective immediately upon
15 enactment.

COMMITTEE MARK-UP

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN 2021 (FIRST) Regular Session

Bill No. 173 -36 (COR)

[As Substituted by the Committee on
General Government Operations, Appropriations,
and Housing.](#)

Introduced by:

James C. Moylan
Joe S. San Agustin

Deleted: (As substituted by the Committee)

AN ACT TO *AMEND* § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO *ADD* § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELAN OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

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Notwithstanding any other provisions of the law, rule, or regulation to the contrary, in any given election year, the Guam Election Commission shall cancel the Primary Election if equal to or fewer than the maximum number of candidates can advance to the General Election for any partisan elected office. if fewer than the maximum number of partisan candidates who can advance to the general election are running in both political parties in any election year, the primary

~~election shall not take place for that contest for that election year. This subsection shall only apply to the following election contests;~~

~~(a) I Liheslaturan Guåhan;~~

~~(b) a team consisting of I Maga'låhen Guåhan [Governor] and Segundu Na Maga'låhen Guåhan [Lieutenant Governor];~~

~~(c) Washington Representative;~~

~~(d) Mayor; and~~

~~(e) Vice Mayor;~~

Section 2. § 11115 of Chapter 11 of Title 3, Guam Code Annotated, is hereby *amended* to read as follows:

§ 11115. Write-in Votes.

~~If the write-in voting oval or other defined space provided is marked, a write-in vote shall be counted for the office under which it is marked, provided a name is written alongside the voting oval or other defined space shown. The write-in names appearing next to the marked write-in voting ovals or other defined space provided for that office shall be tabulated and published. If the total number of write-in votes counted for an office could change the results as to the person having the largest number of votes for that office, the names appearing next to the marked write-in voting oval or other defined space for that office shall be tabulated and published. Otherwise, only the total number of write-ins voting ovals or other defined spaces marked shall be tabulated.~~

The GEC shall count a write-in vote only if the write-in voting oval provided is marked and the elector provides a name written alongside the voting oval. The GEC shall report the results of the total write-in votes for each elected office. However, the GEC shall only publish the tabulation results for each of the named write-in candidates for that elected office if any write-in candidate receives

enough votes to affect the ranking of any qualified candidate for a specific elected office.

Section 3. § 9112 of Chapter 9 of Title 3, Guam Code Annotated, is hereby amended to read as follows:

§ 9112. Electioneering at Polling Place Prohibited.

~~No person shall do any electioneering on election day within one hundred (100) feet of any entrance and/or exit of any polling place. In the case of a school, the entrance is hereby defined as the entrance gate, if the school is fenced. The Commission may, on a case-by-case basis and limited to the election then forthcoming, create an exception to this Section through resolution in order to safely conduct the election. Notices identifying the newly set perimeter also shall be clearly posted at the polling place(s) affected. The Commission shall be responsible for determining and marking the one hundred (100) feet or other boundaries under this section. Upon request of the Commission or any election official present at the polling place, the Guam Police Department shall promptly assist in the enforcement of this section.~~

No person shall do any electioneering on election day within one hundred (100) feet of any entrance and/or exit of any polling place. The entrance or exit is defined as the entrance or exit gate if the polling place is fenced. The Commission may, on a case-by-case basis and limited to the current election, make an exception to this Section through a Resolution if the GEC deems there to be a safety issue when conducting the election. The GEC has sole discretion and responsibility to determine and mark the one hundred (100) feet or other boundaries under this Section. Notices identifying the newly set perimeter also shall be posted at the entrance and exit of the polling place(s) affected. In addition, the GEC or any election official present at the polling place may seek the assistance of any law

1 enforcement officer to promptly assist in the enforcement of this Section, including
2 but not limited to removing any person from the polling place.

3 **Section 4.** § 1117 of Chapter 1 of Title 3, Guam Code Annotated, is hereby
4 *amended* to read as follows:

5 **§ 1117. Same: District Preeinct.**

6 Each district of Guam, as defined in Title 1 GCA § 403, *shall* constitute a
7 voting district preeinct.

8 **Section 5.** A new § 1124 is hereby *added* to Chapter 1 of Title 3, Guam
9 Code Annotated to read as follows:

10 **“§ 1124. Name.**

11 In the case of a candidate or a nominee, the word ‘name’ shall mean the
12 name that appears on his or her United States Birth Certificate, United States
13 Passport, Certificate of Naturalization, Court Ordered Name Change, Certificate of
14 Marriage, or any identification meeting the REAL ID Act requirements issued by a
15 state. Anywhere in this Title the word ‘name’ appears, this definition shall apply.”

16 **Section 6.** § 14105 of Chapter 14 of Title 3, Guam Code Annotated, is
17 hereby *amended* to read as follows:

18 **§ 14105. Disposition.**

19 (a) Counting Provisional Ballots. ~~Within ten (10) days after any~~
20 ~~election,~~ Prior to the certification of any election, the Commission shall
21 count the provisional voter’s choices for every race for which the voter was
22 eligible to vote. When a provisional voter casts a provisional ballot in the
23 incorrect precinct, election officials shall count the votes on that ballot in
24 every race for which the voter would be entitled to vote if he or she had been
25 in the correct precinct.

26 (b) Opportunity to Remedy Incomplete Provisional Ballots.
27 Provisional voters who lacked required information, such as proof of identity

1 or failure to sign, shall be notified and shall be granted a seven (7)-day
2 period to comply or supply missing information. Failure to abide shall
3 constitute a spoiled provisional ballot.

4 (c) Provisional Ballots as a Remedy for Incomplete or Deficient
5 Registration Applications. Provisional ballots shall serve to remedy
6 incomplete or otherwise deficient voter registration applications. In the event
7 that a voter is denied the right to vote a regular ballot because of an
8 incomplete or otherwise deficient voter registration application, the
9 provisional ballot shall be used to complete said voter's application,
10 provided that the provisions pursuant to §§ 3102 and 14104(j) of Title 3,
11 Guam Code Annotated have been met. The provisional voter shall be
12 deemed registered as of the date of the original application. ~~Within ten (10)~~
13 ~~days after an election, w~~When the voter's application shall have been
14 satisfactorily completed and deemed valid, the provisional ballot shall be
15 counted prior to the certification of any election.

16 (d) Registration of Unregistered Provisional Voters. Election officials
17 shall register provisional voters, if they are not already registered or who are
18 eligible to be registered, based on the information provided on the
19 provisional ballot envelope and provided that the provisions pursuant to §§
20 3102 and 14104(j) of Title 3, Guam Code Annotated have been met.

21 **Section 7.** § 13103 of Chapter 13, Title 3, Guam Code Annotated, is hereby
22 *amended* to read as follows:

23 **§ 13103. Election to Fill Vacancy in *I Liheslaturan Guåhan* (the Guam**
24 **Legislature) or the Seat of the Washington Representative.**

25 The Guam Election Commission *shall* call for and conduct a special election
26 on a Saturday on or about sixty (60) days of any vacancy whenever;

1 (a) one (1) or more vacancies occur therein prior to eight (8) months
2 before the date of the next general election of Members of *I Liheslaturan*
3 *Guåhan* (the Guam Legislature); or:

4 (b) a vacancy occurs ~~therein prior to eight (8) months before the date~~
5 ~~of the next general election~~ with the office of the Washington
6 Representative.

7 Candidates *shall* file their candidacies no later than forty (40) days prior to
8 the special election date. There *shall* be no primary election. For the vacant seat as
9 a Member of *I Liheslaturan Guåhan* (the Guam Legislature) ~~†~~The highest vote
10 getter or vote getters, if there is more than one (1) vacancy, *shall* be certified by the
11 Guam Election Commission as elected, and *shall* be administered the oath of office
12 immediately to fill the unexpired vacancy. For the vacant seat of the Washington
13 Representative, the candidate who obtains the majority of votes for the office of
14 Delegate highest vote getter *shall* be certified by the Guam Election Commission
15 as elected.

16 **Section 8. Severability.** If any provision of this Act or its application to
17 any person or circumstance is found to be invalid or contrary to law, such
18 invalidity *shall not* affect other provisions or applications of this Act that can be
19 given effect without the invalid provision or application, and to this end the
20 provisions of this Act are severable.

21 **Section 9. Effective Date.** The act *shall* be effective immediately upon
22 enactment.



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÅTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

August 23, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Amanda L. Shelton**
Acting Chairperson, Committee on Rules

Re: **Fiscal Notes on Bill Nos. 173-36 (LS) and 174-36 (LS)**

Håfa adai,

Attached, please find the fiscal notes for the following bills:

Bill No. 173-36 (LS)

Bill No. 174-36 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 173-36 (LS)

AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELANATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Election Commission (GEC)	Dept./Agency Head: Maria Pangellinan, Executive Director
Department's General Fund (GF) appropriation(s) to date:	\$1,630,235
Department's Other Fund appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$1,630,235

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2020 Unreserved Fund Balance	\$0	\$0	\$0
FY 2021 Adopted Revenues	\$0	\$0	\$0
FY 2021 Appropriations (P.L. 35-99 thru P.L. 36-36)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- | | | |
|---|------------|----------|
| 1. Does the bill contain "revenue generating" provisions? | / / Yes | / X / No |
| If Yes, see attachment | | |
| 2. Is amount appropriated adequate to fund the intent of the appropriation? | / X / N/A | / / Yes |
| If no, what is the additional amount required? | / X / N/A | / / No |
| 3. Does the Bill establish a new program/agency? | / / Yes | / X / No |
| If yes, will the program duplicate existing programs/agencies? | / X / N/A | / / Yes |
| Is there a federal mandate to establish the program/agency? | / / Yes | / X / No |
| 4. Will the enactment of this Bill require new physical facilities? | / / Yes | / X / No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: | / X / Yes | / / No |
| / / Requested agency comments not received by due date | / / Other: | |

Analyst: <u>Arthur R. Mariano</u>	Date: <u>8/20/21</u>	Director: <u>Lester L. Carlson, Jr., Director</u>	Date: <u>AUG 23 2021</u>
Arthur R. Mariano, B&MA Supervisor		Lester L. Carlson, Jr., Director	

Footnote(s):

1/: In its current form, the intent of the subject legislation is to address and modernize election-related issues inclusive of write-in votes, counting provisional ballots, electioneering at polling places, the cancellation of the primary election in certain circumstances and vacancies. If the Bill were to become law, should a primary elections not take place for certain contests, there would be a potential decrease in personnel cost, particularly in overtime. It should be noted that overtime cost incurred by the GEC averages approximately \$100K per year between FY2017 to FY2021 Year-To-Date. The GEC has indicated that should the Primary Election be cancelled in totality, the potential cost savings would be approximately \$365K.

OFFICE OF FINANCE AND BUDGET

STEPHEN J. GUERRERO, DIRECTOR

Tel: (671) 646-4416 / Fax: (671) 969-6737

Email: ofbguamlegislature@gmail.com

Address: Ran Care Bldg. Suite 2, 2nd Floor,
721 Marine Corps. Dr., Tamuning Guam 96913



**COMMITTEE ON GENERAL GOVERNMENT OPERATIONS,
APPROPRIATIONS AND HOUSING**

I Mina'trentai Sais Na Liheslaturan Guahan

SENATOR JOE S. SAN AGUSTIN

Tel: (671) 989-5445 / Fax: (671) 969-6737

Email: senatorjoessanagustin@gmail.com

September 8, 2021

MEMORANDUM

To: Senator Joe S. San Agustin
Chairman, Committee on General Government Operations, Appropriations and Housing

From: Stephen J. Guerrero
Director, Office of Finance and Budget

Re: Funding Availability Note: Bill No. 173-36 (LS)

Hafa Adai Senator San Agustin!

Pursuant to the Standing Rules of the 36th Guam Legislature, the Committee on Appropriations and/or the Office of Finance and Budget (OFB) shall determine in writing if the funding source cited in Appropriation or Authorization for Appropriations bills are sufficient.

The Office has received Bill No. 173-36 (LS), AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELLATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

The proposed Bill No. 173-36 (LS) amends legislation to address and modernize election related issues including write-in votes, counting provisional ballots, electioneering at polling placing, cancelling the primary election, and vacancies. Based on information from the Guam Election Commission, the cancellation of a primary election would save approximately \$365K.

Respectfully,

Stephen J. Guerrero



Office of
SENATOR Joe S. San Agustin
I Mina' trentai Sais na Liheslaturan Guåhan Thirty-Sixth Guam Legislature

COMMITTEE VOTE SHEET

BILL NO. 173-36 (LS) - As Introduced by James C. Moylan and Joe S. San Agustin. As Substituted by the Committee on General Government Operations, Appropriations, and Housing. "AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELANATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES."

Committee Members	Signature	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Joe S. San Agustin <i>Chairman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Amanda L. Shelton <i>Vice Chairperson (Gen Govt Operations, Appr & Housing)</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Clynton E. Ridgell <i>Vice Chairman (Appropriations) Member</i>	E-vote 11-12-21	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker Therese M. Terlaje <i>Member</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vice-Speaker Tina Rose Muña Barnes <i>Member</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator V. Anthony Ada <i>Member</i>	E-vote 11-12-21	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Frank F. Blas Jr. <i>Member</i>	E-vote 11-12-21	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jose "Pedro" Terlaje <i>Member</i>	* E-vote 11-12-21	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Camacho Torres <i>Member</i>	E-vote 01/21/22	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* CHANGED VOTE 1/28/22

Committee Chairman: General Government Operations, Appropriations, and Housing
Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913
Tel: (671) 989-5445 * Fax: (671) 969-6737 * email: senatorjoessanagustin@gmail.com



Michaela Celorio <msacelorio.sensorsa@gmail.com>

Request for E-vote: Bill No. 173-36 (LS) As Substituted

11 messages

Michaela Celorio <msacelorio.sensorsa@gmail.com>

Fri, Nov 12, 2021 at 1:54 PM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>
Cc: "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.sensorsa@gmail.com>, Joseph Mesngon <joe.sensorsa@gmail.com>

Hafa Adai Committee Members,

Please see attached Committee Report for Bill No. 173-36 (LS) As Introduced by James C. Moylan and Joe S. San Agustin. "AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELANATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES." As Substituted by the Committee on General Government Operations, Appropriations, and Housing.

Please indicate your preferred action from the following;

- ☐ TO DO PASS
- ☐ TO DO NOT PASS
- ☐ TO REPORT OUT ONLY
- ☐ TO ABSTAIN
- ☐ TO PLACE IN INACTIVE FILE

Please submit your response ASAP, which will be placed in the Committee Vote Sheet and filed with the Committee on Rules.

Thank you.

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin***I Mina'Trentai Sais Na Liheslaturan Guahan*****36th Guam Legislature****Chairman, Committee on General Government Operations, Appropriations & Housing****Office of Finance and Budget****Email: msacelorio.sensorsa@gmail.com****Tel: (671) 989-5445****Bill No. 173-36 (LS) As Substituted.pdf**

1613K

Frank Blas, Jr. <frank.blasjr@senatorfrankblas.com>

Fri, Nov 12, 2021 at 2:01 PM

To: Michaela Celorio <msacelorio.sensorsa@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Cc: "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

To report out

Sent from [Mail](#) for Windows

[Quoted text hidden]

Senator Tony Ada <senatorvanthonyada@gmail.com>

Fri, Nov 12, 2021 at 2:04 PM

To: "Frank Blas, Jr." <frank.blasjr@senatorfrankblas.com>

Cc: Michaela Celorio <msacelorio.senatorsa@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

To report out only

On Nov 12, 2021, at 2:01 PM, Frank Blas, Jr. <frank.blasjr@senatorfrankblas.com> wrote:

[Quoted text hidden]

Michaela Celorio <msacelorio.senatorsa@gmail.com>

Fri, Nov 12, 2021 at 2:13 PM

To: "Frank Blas, Jr." <frank.blasjr@senatorfrankblas.com>

Hafa Adai,

Noted with thanks,

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445

[Quoted text hidden]

Michaela Celorio <msacelorio.senatorsa@gmail.com>

Fri, Nov 12, 2021 at 2:14 PM

To: Senator Tony Ada <senatorvanthonyada@gmail.com>

Hafa Adai,

Noted with thanks.

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445

[Quoted text hidden]

Clynt Ridgell <clyntridgell@guamlegislature.org>

Fri, Nov 12, 2021 at 3:24 PM

To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

To report out only

[Quoted text hidden]

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Fri, Nov 12, 2021 at 3:44 PM

To: Clynt Ridgell <clyntridgell@guamlegislature.org>

Cc: Michaela Celorio <msacelorio.senatorsa@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>

To do not pass.

[Quoted text hidden]

--

The Office of Senator Jose "Pedro" Terlaje

Committee on Public Safety, Emergency Response,

Military and Veterans Affairs, Mayors' Council, and Public Transit

36th Guam Legislature

I Mina'trentai Sais na Liheslaturan Guahan

777 Route 4, MVP Center - Units 101/ 102, Sinajana, GU 96910

Tel: (671) 989-5301/ 3218

Email: senatorpedo@senatorjpterlaje.com

Michaela Celorio <msacelorio.senatorsa@gmail.com>

Mon, Nov 15, 2021 at 8:21 AM

To: Clynt Ridgell <clyntridgell@guamlegislature.org>

Hafa Adai,

Noted with thanks.

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445

On Fri, Nov 12, 2021 at 3:25 PM Clynt Ridgell <clyntridgell@guamlegislature.org> wrote:

[Quoted text hidden]

Michaela Celorio <msacelorio.senatorsa@gmail.com>
To: Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Mon, Nov 15, 2021 at 8:22 AM

Hafa Adai,

Noted with thanks.

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445

[Quoted text hidden]

Mary C. Torres <senatormary@guamlegislature.org>
To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Fri, Jan 21, 2022 at 9:25 AM

To report out only.

On Nov 12, 2021, at 1:55 PM, Michaela Celorio <msacelorio.senatorsa@gmail.com> wrote:

[Quoted text hidden]



Bill No. 173-36 (LS) As Substituted.pdf
1613K

Michaela Celorio <msacelorio.senatorsa@gmail.com>
To: "Mary C. Torres" <senatormary@guamlegislature.org>

Fri, Jan 21, 2022 at 9:33 AM

Hafa Adai,

Received. Thank you!

Best,

Michaela Celorio

Research Policy Analyst

Office of Senator Joe S. San Agustin

I Mina'Trentai Sais Na Liheslaturan Guahan

36th Guam Legislature

Chairman, Committee on General Government Operations, Appropriations & Housing

Office of Finance and Budget

Email: msacelorio.senatorsa@gmail.com

Tel: (671) 989-5445

[Quoted text hidden]