


I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
95-37 (COR)	Roy A. B. Quinata	AN ACT TO REPEAL § 1107 OF CHAPTER 1, TITLE 3, GUAM CODE ANNOTATED; AND TO REPEAL ALL OF CHAPTER 15, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE PRIMARY ELECTIONS OF ITS ENTIRETY.	4/11/23 4:21 p.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 95-37 (COR)

Introduced by:

Roy A. B. Quinata 

AN ACT TO *REPEAL* § 1107 OF CHAPTER 1, TITLE 3, GUAM CODE ANNOTATED; AND TO *REPEAL* ALL OF CHAPTER 15, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE PRIMARY ELECTIONS OF ITS ENTIRETY.

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that a
3 primary election is an election used either to narrow the field of candidates for a
4 given elective office or to determine the nominees for political parties in advance of
5 a general election.

6 **Section 2.** § 1107 of Chapter 1, Title 3, Guam Code Annotated, is hereby
7 *repealed*.

8 ~~“§ 1107. — **Primary Election.**~~

9 ~~Primary Election means a preliminary election in which voters cast~~
10 ~~ballots to determine the candidates for specific offices as provided in this~~
11 ~~Title.”~~

12 **Section 3.** Chapter 15 of Title 3, Guam Code Annotated, is hereby *repealed*.

13 ~~“CHAPTER 15~~

14 ~~CONDUCT OF PRIMARY ELECTIONS~~

15 ~~Article 1. — General Provisions.~~

1 ~~Article 2.— Nomination, Determination of Candidates.~~

2 ~~Article 3.— Ballot.~~

3 ~~Article 4.— Voting and Ascertaining the Voting Results.~~

4 ~~Article 5.— Election Contests.~~

5 **~~ARTICLE 1~~**

6 **~~GENERAL PROVISIONS~~**

7 ~~§ 15101.— Definitions.~~

8 ~~§ 15102.— Liberal Construction.~~

9 ~~§ 15103.— Application of General Election Laws.~~

10 ~~§ 15104.— Application of Chapter.~~

11 ~~§ 15105.— Party Represented by Whom.~~

12 ~~§ 15106.— Expense of Printing Paid by Whom.~~

13 ~~§ 15107.— Expense of Polling Places, Ballot Boxes and Election~~
14 ~~Officials.~~

15 ~~§ 15108.— Vacancies Not to be Filled.~~

16 ~~§ 15109.— Minimum Vote Required.~~

17 **~~§ 15101.— Definitions.~~**

18 ~~The words and phrases in this Chapter shall, unless the same is~~
19 ~~inconsistent with the context, be construed as follows:~~

20 ~~(a)— Commission means the Election Commission.~~

21 ~~(b)— Election means a general election as distinguished from a~~
22 ~~primary election or a special election.~~

23 ~~(c)— Election officials mean those members of a precinct board~~
24 ~~serving as outlined in § 4104, Chapter 4 of this Title.~~

25 ~~(d)— Office means an elected public office.~~

26 ~~(e)— Party means an association of voters united for the purpose of~~
27 ~~promoting a common political policy, which maintains a general organization~~

1 throughout Guam, including a regularly constituted central committee and
2 precinct committee, and as further defined in § 1112, Chapter 1 of this Title.

3 (f) ~~Precinct means a district as defined in Title 1 GCA § 403.~~

4 (g) ~~Primary means a preliminary election in which voters cast ballots
5 to determine the candidates for specific offices, as provided for in this Title.~~

6 (h) ~~Primary ballot means a party ballot or non party ballot or a non-
7 partisan ballot used at a primary.~~

8 **~~§ 15102. Liberal Construction.~~**

9 ~~This Chapter shall be liberally construed in favor of the primary voter.~~

10 **~~§ 15103. Application of General Election Laws.~~**

11 ~~The laws relating to election shall apply to a primary insofar as they are
12 consistent with this Chapter, the intent of which is to place the primary under
13 the regulation and protection of the election laws, as far as possible,
14 consistently with this Chapter.~~

15 **~~§ 15104. Application of Chapter.~~**

16 ~~A partisan candidate for office shall be nominated in accordance with
17 this Chapter and not otherwise, except as otherwise provided by law.~~

18 **~~§ 15105. Party Represented by Whom.~~**

19 ~~Not less than ninety (90) days before the holding of a primary, each
20 party seeking ballot placement shall submit to the Commission a list of its
21 officers and of its central committee.~~

22 **~~§ 15106. Expense of Printing Paid by Whom.~~**

23 ~~The cost of ballots, blanks and other supplies to be used at any primary,
24 and other costs properly incurred in the preparation for or conducting of the
25 primary, shall be borne by the government of Guam.~~

26 **~~§ 15107. Expense of Polling Places, Ballot Boxes and Election
27 Officials.~~**

1 We, the undersigned, registered and qualified electors of Guam hereby
2 nominate _____ Print or type
3 full name of candidate as a candidate of the _____ party for
4 the office of _____, to be voted for in the primary
5 election to be held on the _____ day of _____, _____, and we
6 declare that we have not signed, and will not sign, any nomination petition for
7 more persons than the number of candidates necessary to fill such office at the
8 next ensuing general election. **WARNING:** Whoever knowingly signs more
9 petitions for the same office than there are persons to be elected to the office
10 or signs a name other than his own is violating the provisions of the Guam
11 Election Code. Full Name: Date of Birth: Address: Signature: Date: Voting
12 District:

- 13 1. _____
- 14 2. _____
- 15 3. _____
- 16 4. _____
- 17 5. _____
- 18 6. _____
- 19 7. _____
- 20 8. _____
- 21 9. _____
- 22 10. _____
- 23 11. _____
- 24 12. _____
- 25 13. _____
- 26 14. _____
- 27 15. _____

- 1 16. _____
- 2 17. _____
- 3 18. _____
- 4 19. _____
- 5 20. _____

~~CIRCULATOR CERTIFICATION~~

~~The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition, that each signature on the petition was signed in his or her presence, that to the best of his or her knowledge and belief each signature is the genuine signature of the person purporting to sign the same, that the person was, at the time of signing, a registered and qualified voter of Guam, and that such elector was qualified to sign the petition.~~

Print or type full name of circulator _____ Signature of circulator

Address of circulator _____ Date"

~~(b) — All nomination papers shall have substantially the above form written or printed thereon; provided, that those filed for an independent candidate may omit the words "of the _____ party." No signature shall be valid and counted unless it is written upon a sheet having this form printed thereon, which shall be provided by the Commission.~~

~~(c) — Nomination papers shall not be filed on behalf of any person for more than one (1) party or for more than one (1) office; nor shall nomination papers be filed on behalf of any person both as a party candidate and as an independent candidate.~~

1 **§ 15204. — Nomination Papers: Qualifications of Signers.**

2 (a) — ~~No person shall sign the nomination papers of more than one (1)~~
3 ~~candidate for the same office, nor for more than the actual number of offices~~
4 ~~of one (1) class. Nomination papers shall be construed in this regard according~~
5 ~~to priority of filing, and the name of any person appearing thereon shall be~~
6 ~~counted only so long as this provision is not violated, and not thereafter.~~

7 (b) — ~~No name on any nominating petition shall be counted as valid~~
8 ~~unless the signer is an elector, qualified and registered to vote for the candidate~~
9 ~~at the next primary or general election.~~

10 **§ 15205. — Nomination Papers: Number of Signers.**

11 (a) — ~~No person shall be certified as a candidate for nomination unless~~
12 ~~the following number of qualified electors shall have signed a petition in favor~~
13 ~~of the candidate:~~

Office Required	Number of Signatures
Mayor	100
Vice Mayor	100
Senator	250
<i>Maga'lāhen Guåhan and I</i>	
<i>Segundu Na Maga'lahi</i>	500
Washington Representative	500

21 (b) — ~~When there are candidates for the mayoral or vice mayoral~~
22 ~~positions in municipalities or districts that had less than one thousand (1,000)~~
23 ~~total votes cast in the prior election, the mayoral and vice mayoral candidates~~
24 ~~in these jurisdictions shall acquire five percent (5%) of the qualified electors~~
25 ~~based from the prior election.~~

26 **§ 15206. — Time for Filing Nomination Papers; Fees.**

1 ~~Nomination papers shall be filed with the Commission at least ninety~~
2 ~~(90) days but not earlier than one hundred sixty (160) days prior to the day for~~
3 ~~holding the primary. There shall be deposited with each nomination a fee of~~
4 ~~One Hundred Dollars (\$100.00) on account of the expenses attending the~~
5 ~~holding of the primary, which shall be paid into the Treasury of Guam. Upon~~
6 ~~receipt at the office of the Commission of a nomination of a candidate, the~~
7 ~~day, hour and minute when it was received shall be endorsed thereon.~~

8 **~~§ 15207. — Independent Candidates.~~**

9 ~~Nomination papers may be filed on behalf of independent candidates.~~
10 ~~The papers shall be in the same form and signed in the same manner as in the~~
11 ~~case of party candidates.~~

12 **~~§ 15208. — Vacancies.~~**

13 ~~(a) — In case of the death, withdrawal or disqualification of a nominee~~
14 ~~for *I Maga'låhen Guåhan* after a primary, the candidate for *I Segundu Na*~~
15 ~~*Maga'lahi* on the same slate shall thereupon become candidate for *I*~~
16 ~~*Maga'låhen Guåhan*, who shall then select the nominee for *I Segundu Na*~~
17 ~~*Maga'lahi*.~~

18 ~~(b) — In case of the death, withdrawal or disqualification of any~~
19 ~~nominee for *I Segundu Na Maga'lahi* after a primary, the nominee for *I*~~
20 ~~*Maga'låhen Guåhan* on the same slate shall select the nominee for *I Segundu*~~
21 ~~*Na Maga'lahi*.~~

22 ~~(c) — In case of the death, withdrawal or disqualification of any~~
23 ~~nominee for any other office after a primary, the vacancy so caused shall be~~
24 ~~filled by the nominee to such office receiving the next highest number of votes~~
25 ~~in the primary.~~

1 ~~§ 15404. — Result of Election, *I Maga'låhen Guåhan* and *I Segundu Na Maga'lahi*; Other~~
2 ~~Offices; Primary Constituting Election to Office.~~

3 ~~§ 15405. — Validity of Ballot.~~

4 ~~**§ 15401. — Persons Entitled to Vote; List of Electors.**~~

5 ~~No person shall be entitled to vote at any primary unless he or she shall~~
6 ~~have registered as a duly qualified elector of Guam.~~

7 ~~**§ 15402. — Manner of Voting.**~~

8 ~~Any person desiring to vote at a primary shall state his or her full name~~
9 ~~and address to the election officials, and shall present a validly issued photo~~
10 ~~identification card issued by a federal, state, Guam secondary school, Guam~~
11 ~~post-secondary school or Government of Guam entity to the precinct official~~
12 ~~or other authorized election official. If the person desiring to vote is not~~
13 ~~challenged, a precinct clerk shall issue to him or her only one (1) official~~
14 ~~primary ballot. The voter shall proceed to enter one (1) of the compartments~~
15 ~~provided and therein mark the ballot. The marked ballot shall immediately be~~
16 ~~placed in the ballot box provided. In addition, the provisions of Chapter 10 of~~
17 ~~this Title (Absent Voting) shall also apply to a primary election so as to permit~~
18 ~~voting by absentee ballot therein.~~

19 ~~**§ 15403. — Challenging.**~~

20 ~~Any person rightfully within the polling place may challenge the right~~
21 ~~of any other person requesting to vote. The challenge shall be on the grounds~~
22 ~~that the elector is not the person alleged to be, or that the elector is not entitled~~
23 ~~to vote on the grounds specified in § 9118, Chapter 9 of this Title. No other~~
24 ~~or further challenge shall be allowed. The challenge shall be immediately~~
25 ~~considered and decided upon by the precinct board, a ruling of the majority~~
26 ~~thereof being final.~~

~~**§ 15404. — Result of Election.**~~

1 ~~*I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi*; Other Offices;~~
2 ~~Primary Constituting Election to Office.~~

3 ~~(a) *I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi* team~~
4 ~~receiving a plurality of votes cast for a partisan nomination shall be the party~~
5 ~~nominees for the general election. No *I Maga'låhen Guåhan* and *I Segundu*~~
6 ~~*Na Maga'låhi* team running in the independent column shall be eligible for~~
7 ~~general election ballot placement unless such team receives a minimum~~
8 ~~twenty percent (20%) of the total combined votes cast for the winning teams~~
9 ~~seeking partisan nomination~~

10 ~~(b) The winners in all other partisan primary contests shall be the~~
11 ~~candidates receiving the highest number of votes, except that no candidate~~
12 ~~running in the independent column shall be eligible for general election ballot~~
13 ~~placement unless he or she receives votes equal to at least ten percent (10%)~~
14 ~~of the total number of the valid ballots cast for the office for which he or she~~
15 ~~is a candidate.~~

16 ~~(c) Except in the case of a gubernatorial team, if in any primary a~~
17 ~~candidate who has been certified as being nominated (1) submits to the~~
18 ~~Commission a written declination of his or her nomination, or (2) dies, the~~
19 ~~Commission shall certify as nominated the person having the next highest~~
20 ~~number of votes in the same primary; provided, that the Commission~~
21 ~~determines that the addition of the newly certified candidate to the ballot shall~~
22 ~~not prevent the Commission from conducting the general election at the~~
23 ~~scheduled date and time. If the Commission in its discretion determines that~~
24 ~~time does not permit the addition of the new nominee to the ballot, the vacancy~~
25 ~~shall be filled as otherwise provided by law. In the case of the death of a~~
26 ~~nominee for *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhi*, the vacancy~~
27 ~~shall be filled as provided by law.~~

1 ~~within eight (8) days following the return, give judgment, fully stating all~~
2 ~~findings of fact and of law.~~

3 ~~(b) The judgment shall decide which candidate was nominated or~~
4 ~~elected, as the case may be, in the matter presented by the petition, and a~~
5 ~~certified copy of the judgment shall forthwith be served on the Commission,~~
6 ~~which shall place the name of the candidate declared to be nominated on the~~
7 ~~ballot for the forthcoming general election, and the judgment shall be~~
8 ~~conclusive of the right of the candidate so declared to be nominated.”~~

9 **Section 4. Severability.** If any provisions of this Act or its application to
10 any person or circumstance is found to be invalid or contrary to law, such invalidity
11 *shall not* affect other provisions or applications of this Act that can be given effect
12 without invalid provision or application and to this end, the provisions of this Act
13 are severable.

14 **Section 5. Effective Date.** This Act *shall* be effective immediately upon
15 enactment.