I Mina'trentai Siette 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
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.							

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

Bill No. 95-37 (COR)

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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.

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. **Section 2.** § 1107 of Chapter 1, Title 3, Guam Code Annotated, is hereby 6 7 repealed. 8 "§ 1107. Primary Election. Primary Election means a preliminary election in which voters cast 9 10 ballots to determine the candidates for specific offices as provided in this 11 Title." 12 Chapter 15 of Title 3, Guam Code Annotated, is hereby repealed. Section 3. 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, hall be borne by the government of Guam.
26	§ 15107. Expense of Polling Places, Ballot Boxes and Election
27	Officials.

The Commission, at the expense of the government, shall provide the necessary polling places and ballot boxes for conducting an election for nomination of candidates for office. The Commission, at the expense of the government, shall pay election officials for their services in conducting a primary at the same rate of compensation as provided by this Title for an election.

§ 15108. Vacancies Not to be Filled.

In the event that fewer than fifteen (15) candidates are running for I Liheslaturan Guåhan within any party, the central committee of such party or parties shall not fill the party slate for the primary or general election to a full fifteen (15) nominees with its own nomination by filling those positions which are unfilled because fewer than fifteen (15) candidates ran in that party's primary election.

§ 15109. Minimum Vote Required.

No person shall be deemed nominated in a primary election unless the candidate receives votes at least three (3) times greater than the required number of signatures needed for a nomination petition for candidacy for such election, or votes equal to four percent (4%) of the total number of persons who obtain ballots to vote in that primary election for all parties, whichever is less.

ARTICLE 2 NOMINATION, DETERMINATION OF CANDIDATES § 15201. Primary Date. § 15202. Notice of Primary; Publication, Posting.

§ 15204. Nomination Papers: Qualifications of Signers.

§ 15205. Nomination Papers: Number of Signers.

§ 15203. Form of Nomination Papers.

1	§ 15206. Time for Filing Nomination Papers; Fees.
2	§ 15207. Independent Candidates.
3	§ 15208. Vacancies.
4	§ 15201. Primary Date.
5	The primary shall be conducted at the polling place or places
6	determined by the Election Commission in each district on the first Saturday
7	of August in every even numbered year.
8	§ 15202. Notice of Primary; Publication, Posting.
9	(a) At least thirty (30) days before the date for holding the primary, the
10	Commission shall prepare and transmit to each municipal mayor a notice, in
11	writing, designating the office for which candidates are to be nominated at the
12	primary, and state the time, date, and the place where the primary election
13	voting will be held.
14	(b) The Commission shall, within ten (10) days after transmitting the
15	notice to the municipal mayors, cause notice of the primary to be posted in
16	three (3) conspicuous public places in each of the municipal districts of Guam,
17	and to be published at least three (3) times in a newspaper of general
18	circulation in Guam. The notice shall state the time, date, and place where the
19	primary election voting will be held, together with the offices for which
20	candidates are to be nominated and elected.
21	§ 15203. Form of Nomination Papers.
22	(a) No candidate's name shall be printed upon any official ballot to
23	be used at any primary election unless a nomination paper shall have been
24	filed on his or her behalf and in his or her legal name, as provided in this
25	Chapter in substantially the following form:

"NOMINATING PETITION (PARTISAN)

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.
6	CIRCULATOR CERTIFICATION
7	The undersigned circulator of the above petition asserts that he or she
8	is qualified to circulate this petition, that each signature on the petition was
9	signed in his or her presence, that to the best of his or her knowledge and
10	belief each signature is the genuine signature of the person purporting to sign
11	the same, that the person was, at the time of signing, a registered and qualified
12	voter of Guam, and that such elector was qualified to sign the petition.
13	
14	
15	Print or type full name of circulator Signature of circulator
16	
17	
18	Address of circulator Date"
19	(b) All nomination papers shall have substantially the above form
20	written or printed thereon; provided, that those filed for an independent
21	candidate may omit the words "of the party." No signature shall
22	be valid and counted unless it is written upon a sheet having this form printed
23	thereon, which shall be provided by the Commission.
24	(c) Nomination papers shall not be filed on behalf of any person for
25	more than one (1) party or for more than one (1) office; nor shall nomination
26	papers be filed on behalf of any person both as a party candidate and as an
27	independent candidate.

§ 15204. Nomination Papers: Qualifications of Signers.

- (a) No person shall sign the nomination papers of more than one (1) candidate for the same office, nor for more than the actual number of offices of one (1) class. Nomination papers shall be construed in this regard according to priority of filing, and the name of any person appearing thereon shall be counted only so long as this provision is not violated, and not thereafter.
- (b) No name on any nominating petition shall be counted as valid unless the signer is an elector, qualified and registered to vote for the candidate at the next primary or general election.

§ 15205. Nomination Papers: Number of Signers.

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

Office Required	Number of Signatures
Mayor	-100
Vice Mayor	-100
Senator	-250
Maga'låhen Guåhan and I	
Segundu Na Maga'lahi	-500
Washington Representative	-500

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

§ 15206. Time for Filing Nomination Papers; Fees.

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

§ 15207. Independent Candidates.

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

§ 15208. Vacancies.

- (a) In case of the death, withdrawal or disqualification of a nominee for I Maga'låhen Guåhan after a primary, the candidate for I Segundu Na Maga'lahi on the same slate shall thereupon become candidate for I Maga'låhen Guåhan, who shall then select the nominee for I Segundu Na Maga'lahi.
- (b) In case of the death, withdrawal or disqualification of any nominee for *I Segundu Na Maga'lahi* after a primary, the nominee for *I Maga'lahen Guåhan* on the same slate shall select the nominee for *I Segundu Na Maga'lahi*.
- (c) In case of the death, withdrawal or disqualification of any nominee for any other office after a primary, the vacancy so caused shall be filled by the nominee to such office receiving the next highest number of votes in the primary.

(d) In case of the death, withdrawal or disqualification of any candidate for office after an unopposed primary, the vacancy so caused shall be filled by the central committee of the party.

ARTICLE 3

BALLOTS

§ 15301. Form of Primary Election Ballot.

Ballots used in the primary election shall be in the form prescribed by the Guam Election Commission and shall conform to the following minimum requirements:

(a) (1) All candidates for all offices to be contested in the forthcoming general election shall appear on a primary ballot to be voted upon by registered voters in each voting district. A voting district is each district within Guam as defined in Title 1 GCA § 403, unless otherwise provided in this Title. The Guam Election Commission shall print a ballot with the names of all qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all qualified candidates from the Democratic Party on the opposite side. This ballot format shall be used so as to limit voters to mark their ballots in only one (1) party for all offices in that primary election.

(2) If there are qualified candidates who are not members of either the Republican Party or the Democratic Party, the Guam Election Commission shall reconfigure the ballot as necessary in order that candidates' names shall be placed on the ballot in three (3) or more columns with a separate column for each different recognized party, and a separate column for those non affiliated. The Guam Election Commission shall limit voters to mark their ballots in only one (1) party or for non affiliated candidates only for all offices in that primary election.

1	(b) Across the top of the ballot shall be printed the words
2	"OFFICIAL PRIMARY ELECTION BALLOT" and the date of the primary
3	election.
4	(c) Thereafter shall appear an explanation to the voter instructing
5	him or her how to vote.
6	(d) There shall appear specific instructions in boldface type on each
7	ballot that a voter may cast votes under one (1) party only; that if votes are
8	cast for candidates of more than one (1) party for any office or nomination of
9	offices appearing on the ballot, the entire ballot shall be void. The instructions
10	on the ballot shall clearly inform voters of the mandate herein.
11	(e) The ballot for each office for which party nominations are sought
12	shall contain instructions to the voters as to the maximum number of
13	candidates that may be selected for that office.
14	(f) The Guam Election Commission shall make accommodation for
15	the voter to write in the name of a person or persons not otherwise appearing
16	on the ballot, under each office being contested under each party heading.
17	(g) Should the Guam Election Commission adopt a ballot form using
18	any mechanical, electro mechanical, or electronic device to record the vote,
19	or aid in recording the vote, the voter instruction and information required by
20	this Section shall appear on the device in the place provided therefore, or
21	otherwise shall be prominently displayed within the voting booth so as to be
22	easily read by the voter.
23	ARTICLE 4
24	VOTING AND ASCERTAINING. THE VOTING RESULTS
25	§ 15401. Persons Entitled to Vote; List of Electors.
26	§ 15402. Manner of Voting.
27	§ 15403. Challenging.

§ 15404. Result of Election, *I Maga'låhen Guåhan* and *I Segundu Na Maga'lahi*; Other

2 Offices; Primary Constituting Election to Office.

§ 15405. Validity of Ballot.

§ 15401. Persons Entitled to Vote; List of Electors.

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

§ 15402. Manner of Voting.

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

§ 15403. Challenging.

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

\$75404. Result of Election.

I Maga'låhen Guåhan and I Segundu Na Maga'lahi; Other Offices; Primary Constituting Election to Office.

- (a) I Maga'låhen Guåhan and I Segundu Na Maga'låhi team receiving a plurality of votes cast for a partisan nomination shall be the party nominees for the general election. No I Maga'låhen Guåhan and I Segundu Na Maga'låhi team running in the independent column shall be eligible for general election ballot placement unless such team receives a minimum twenty percent (20%) of the total combined votes cast for the winning teams seeking partisan nomination
- (b) The winners in all other partisan primary contests shall be the candidates receiving the highest number of votes, except that no candidate running in the independent column shall be eligible for general election ballot placement unless he or she receives votes equal to at least ten percent (10%) of the total number of the valid ballots cast for the office for which he or she is a candidate.
- candidate who has been certified as being nominated (1) submits to the Commission a written declination of his or her nomination, or (2) dies, the Commission shall certify as nominated the person having the next highest number of votes in the same primary; provided, that the Commission determines that the addition of the newly certified candidate to the ballot shall not prevent the Commission from conducting the general election at the scheduled date and time. If the Commission in its discretion determines that time does not permit the addition of the new nominee to the ballot, the vacancy shall be filled as otherwise provided by law. In the case of the death of a nominee for *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhi*, the vacancy shall be filled as provided by law.

1	§ 15405. Validity of Ballot.
2	All questions as to validity of a ballot cast at any primary election held
3	under this Chapter shall be decided upon immediately, and the opinion of the
4	majority of the Commission shall be final and binding, subject to review by
5	the Superior Court of Guam.
6	ARTICLE 5
7	ELECTION CONTESTS
8	§ 15501. Petition to Contest.
9	§ 15502. Filing of Petition.
10	§ 15503. Summons.
11	§ 15504. Hearing and Judgment.
12	§ 15501. Petition to Contest.
13	Any candidate directly interested, or any registered and qualified
14	elector of any precinct, may file a petition in the Superior Court of Guam,
15	setting forth any cause or causes why the decision of the Commission should
16	be revised, corrected or changed.
17	§ 15502. Filing of Petition.
18	The petition shall be filed in the Superior Court of Guam within seven
19	(7) days following the primary election proposed to be contested.
20	§ 15503. Summons.
21	The Clerk of the Superior Court shall issue a summon to the
22	respondents named in the petition to appear before the Superior Court within
23	five (5) days after thereof.
24	§ 15504. Hearing and Judgment.
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(a) The Court shall hear the contest in a summary manner, and at the hearing, the Court shall cause the evidence to be reduced to writing, and shall,

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

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

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

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