

I Mina'trentai Singko 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
246-35 (LS)	Joe S. San Agustin Tina Rose Muña Barnes Jose "Pedro" Terlaje	AN ACT TO AMEND SUBSECTION (a) (4) OF § 61542 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (b) OF § 3102.3 OF CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED; TO ADD A NEW SUBSECTION (h) TO § 3101.3 TO CHAPTER 13 OF TITLE 16, GUAM CODE ANNOTATED; TO AMEND § 40108 OF CHAPTER 40 OF TITLE 5, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a) OF § 1000 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED; TO AMEND § 1117 AND ADD A NEW § 1124 TO CHAPTER 1; TO REPEAL AND REENACT § 2110, ADD A NEW § 2111 AND § 2112 TO CHAPTER 2, ADD A NEW SUBSECTION (g) TO § 3102.1, AMEND § 3104 AND § 3105 OF CHAPTER 3, AMEND § 6105, § 6108 AND § 6110 OF CHAPTER 6, AMEND §9112 AND AMEND SUBSECTION (b) (1) OF § 9123 OF CHAPTER 9, AMEND § 11115 OF CHAPTER 11, ADD A NEW § 13110 TO CHAPTER 13; AMEND § 14105 OF CHAPTER 14, REPEAL § 15206 OF CHAPTER 15, AMEND SUBSECTION (a) OF § 16209, AMEND SUBSECTION (a) OF § 16306, AND ADD A NEW § 16313 TO CHAPTER 16 ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REINFORCING GUAM'S ELECTION AND CAMPAIGN LAWS.	11/15/19 10:28 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) REGULAR SESSION

Bill No. 246 -35(LS)

Introduced by:

Joe S. San Agustín
Tina Rose Muña Barnes
Jose 'Pedo' Terlaje

AN ACT TO AMEND SUBSECTION (a) (4) OF § 61542 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (b) OF § 3102.3 OF CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED; TO ADD A NEW SUBSECTION (h) TO § 3101.3 TO CHAPTER 13 OF TITLE 16, GUAM CODE ANNOTATED; TO AMEND § 40108 OF CHAPTER 40 OF TITLE 5, GUAM CODE ANNOTATED; TO AMEND SUBSECTION (a) OF § 1000 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED; TO AMEND § 1117 AND ADD A NEW § 1124 TO CHAPTER 1; TO REPEAL AND REENACT § 2110, ADD A NEW § 2111 AND § 2112 TO CHAPTER 2, ADD A NEW SUBSECTION (g) TO § 3102.1, AMEND § 3104 AND § 3105 OF CHAPTER 3, AMEND § 6105, § 6108 AND § 6110 OF CHAPTER 6, AMEND §9112 AND AMEND SUBSECTION (b) (1) OF § 9123 OF CHAPTER 9, AMEND § 11115 OF CHAPTER 11, ADD A NEW § 13110 TO CHAPTER 13; AMEND § 14105 OF CHAPTER 14, REPEAL § 15206 OF CHAPTER 15, AMEND SUBSECTION (a) OF § 16209, AMEND SUBSECTION (a) OF § 16306, AND ADD A NEW § 16313 TO CHAPTER 16 ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REINFORCING GUAM'S ELECTION AND CAMPAIGN LAWS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that there is a need to maximize the efficiency of the Guam election and campaigning

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1 processes in order to prepare, execute and certify Guam’s elections with the clearest
2 of intentions and mandates.

3 *I Liheslaturan Guåhan* further finds that the Guam Election Commission is
4 Guam’s autonomous agency tasked with executing Guam’s elections with the
5 authority to proffer recommendations to clarify, strengthen or enforce election laws.

6 It is the intent of *I Liheslatura* to acknowledge these recommendations and to
7 ensure these and other provisions are proposed to mitigate confusion, making clear
8 the rules of election for the voter, the candidate, and the Guam Election Commission
9 during the electoral cycle.

10 **Section 2.** § 61542 of Chapter 61, Subsection (a), Subsection (4), Title 21,
11 Guam Code Annotated is *amended* to read as follows:

12 “(a) (4) *Political sign* means all billboards, posters, banners or displays
13 which advocate for or against a candidate for political office or any matter to be
14 presented to the electorate for vote, and all items put on public property to erect or
15 secure the billboard, poster, banner, or display in place, including rebars and wires.”

16 **Section 3.** § 3102.3 of Chapter 3, Subsection (b), Title 17, Guam Code
17 Annotated is *amended* to read as follows:

18 “(b) Six (6) Elected Voting Members. Six (6) voting members shall be
19 elected at-large at each General Election. Each elected voting member shall
20 serve for a term of two (2) years, commencing at 12:00 noon on the first
21 Monday in January following their election. A candidate for the Board must
22 be at least twenty-five (25) years old, and a resident of Guam for at least five
23 (5) years immediately preceding the date on which the member takes office
24 and continuing throughout the term.

25 ~~(1) Nomination of candidates for election to the Board shall be~~
26 ~~made by petition on forms prescribed by the Guam Election~~
27 ~~Commission (Commission) and initiated by the candidate. In order for~~

1 a candidate's name to be placed on the ballot for election to the Board,
2 such petition must be signed by not less than one hundred fifty (150)
3 persons registered to vote in Guam and must be filed with the
4 Commission no later than the first Monday after a Primary Election,
5 unless such date is a holiday, in which it shall be filed the day
6 following the holiday, or sixty (60) days prior to a Special
7 Election. No defect in any nominating petition presented to the
8 Commission shall prevent the filing of another petition which is
9 presented within the allowed filing period.

10 (2) (1) The election provided for within this Subsection (b)
11 shall be non-partisan, and no political party shall directly or indirectly
12 sponsor, nominate or endorse any of the candidates for such office.”

13 **Section 4.** A new Subsection (h) to § 3101.3 of Chapter 3, Title 16, Guam
14 Code Annotated is hereby *added* to read as follows:

15 “(h) Electors may be registered in accordance with this Section from the time
16 registration is open until forty-five (45) days prior to an election.”

17 **Section 5.** § 40108 of Chapter 40, Title 5, Guam Code Annotated is *amended*
18 to read as follows:

19 **“§ 40108. Mayors and Vice Mayors: Qualifications.**

20 The Mayors and Vice Mayors of Guam shall be citizens of the United States
21 who have attained the age of twenty-one (21) years and shall not have been convicted
22 of a felony or any crime involving moral turpitude. Each Mayor and Vice-Mayor
23 candidate must be registered to vote in and have resided within the municipality or
24 area which they are to represent for a period of ~~one (1)~~ three (3) years immediately
25 preceding the date of any special or general election at which they are candidates for
26 election and shall continue to reside therein throughout their term of office.”

1 **Section 6.** § 1000 of Chapter 10, Subsection (a), Title 1, Guam Code
2 Annotated is *amended* to read as follows:

3 **“§ 1000. Holidays.**

4 (a) The holidays of Guam are:

5 (1) New Year’s Day;

6 (2) Martin Luther King, Jr. Day, the third Monday in January;

7 (3) Guam History and Chamorro Heritage Day, the first Monday in
8 March;

9 (4) Memorial Day, the last Monday in May;

10 (5) Independence Day, July 4th;

11 (6) Liberation Day, the first Monday in September;

12 (7) Labor Day, the first Monday in September;

13 (8) General Election Day, Tuesday next after the first Monday in
14 November, biennially in even-numbered years;

15 ~~(8)~~ (9) All Soul’s Day, November 2;

16 ~~(9)~~ (10) Veteran’s Day, November 11;

17 ~~(10)~~ (11) Thanksgiving, the fourth Thursday in November;

18 ~~(11)~~ (12) Our Lady of Camarin Day, December 8; and

19 ~~(12)~~ (13) Christmas, December 25th.”

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

22 **“§ 1117. Same: Precinct District.**

23 Each district of Guam, as defined in Title 1 GCA § 403, shall constitute a
24 precinct voting district.”

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

27 **“§1124. Name.**

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

6 **Section 9.** § 2110 of Chapter 2, Title 3, Guam Code Annotated is *repealed*
7 and *reenacted* to read:

8 **“§ 2110. Authority of the Guam Election Commission. Budget Request.**

9 The Guam Election Commission *shall* have full authority in their ability
10 to conduct the business of elections on Guam and shall exercise this
11 authority as if a fully autonomous entity. The Guam Election Commission
12 *shall* have the authority to establish the fiscal and personnel requirements in
13 order to efficiently and effectively conduct elections on Guam. GEC’s
14 annual budget submission *shall* include a detailed breakdown of the funding
15 level necessary to meet all of its statutory requirements for elections and
16 personnel, and abide by all policies and procedures set forth in its rules and
17 regulations.

18 **Section 10.** A *new* § 2111 of Chapter 2, Title 3, Guam Code Annotated is
19 *added* to read:

20 **“§ 2111. Guam Election Commission Revolving Fund.**

21 (a) There is hereby established a Guam Election Commission
22 Revolving Fund (Fund) to be maintained by the Executive Director
23 of the Guam Election Commission. The Fund *shall* be established
24 and maintained in a bank account separate and apart from the
25 General Fund or any other bank account(s) of the government of
26 Guam, and *shall not* be co-mingled with, or a part of, the General
27 Fund. All funds due or accruing to the account from whatever

1 source(s), as provided or authorized pursuant to applicable law,
2 inclusive of any interest, shall be deposited in the Fund in its entirety
3 immediately upon receipt by the government of Guam. The Fund
4 shall not be subject to the transfer authority of I Maga'hågan
5 Guåhan. It is further provided that:

6 (1) The Executive Director of the Guam Election
7 Commission shall report quarterly and maintain full
8 compliance with all financial reporting requirements of
9 the government of Guam pursuant to applicable law;
10 and

11 (2) Any and all collections deposited into and/or
12 expenditures from the Fund shall be reported to I
13 Maga'hågan Guåhan and the Speaker of I
14 Liheslaturan Guåhan.

15 (b) Independent Records and Accounts. The Fund shall be maintained
16 separate and apart from all other government funds; have an
17 independent records and accounts concerning the Fund; and audited
18 by the Public Auditor for each fiscal year and shall provide I
19 Maga'hågan Guåhan and the Speaker of I Liheslaturan Guåhan
20 with a copy of the audited report.

21 (c) Deposits / Continuing Appropriation. All monies collected by the
22 Guam Election Commission from filing fees, fines or other
23 authorized deposits, shall be accounted for and deposited into the
24 Fund and shall be available to pay for the expenses of the Guam
25 Election Commission. All monies in the Fund are hereby deemed
26 appropriated on a continuing basis and shall not lapse, and shall not
27 be subject to appropriation constraints in order to be expended.

1 (d) Application. All monies deposited in the Fund shall be available
2 to be expended and shall be used solely in support of the functions
3 of and to pay the expenses of the Guam Election Commission. The
4 Fund may also be used for, but is not limited to, the following
5 expenses which shall be directly and solely applicable to the
6 functions and operations of the Guam Election Commission:

7 (1) payment(s) for procurement and maintenance of
8 contractual services for equipment and/or technology
9 support, for the direct use and exclusive benefit of the
10 Guam Election Commission;

11 (2) payment(s) for supplies;

12 (3) payment(s) for any other expenses, which if remains
13 unpaid may result in an emergency situation within the
14 Guam Election Commission, as approved by the
15 Executive Director;

16 (4) additional personnel, as may be necessary to
17 supplement and address the staffing requirements of
18 the Guam Election Commission; and

19 (5) procurement, upgrade and/or maintenance of
20 computer systems.

21 (e) The Executive Director shall submit an annual spending plan for
22 the Fund in accordance with and at the same time as the Guam
23 Election Commission is required to submit their annual budget
24 request to I Liheslaturan Guåhan.

25 (f) The Executive Director, shall, by no later than the 30th day after
26 each calendar quarter, submit a financial report relative to the status
27 and activities of the Fund. The quarterly report shall be submitted

1 to I Maga'hågan Guåhan, the Speaker of I Liheslaturan Guåhan,
2 and the Chairperson(s) of the Committee with oversight of
3 Appropriations and Elections. The report shall, at a minimum,
4 contain:

5 (1) all expenditures and encumbrances (monthly and
6 year to date);

7 (2) funds received and source(s);

8 (3) status of accounts receivable for outstanding debts
9 and/or delinquent payment obligations owed to the
10 Guam Election Commission; and

11 (4) Any and all other pertinent information relative to
12 the Fund.

13 (g) The Guam Election Commission Revolving Fund shall be included
14 in the government of Guam annual audit review and report."

15 **Section 11.** A new § 2112 to Chapter 2, Title 3, Guam Code Annotated is
16 hereby *added* to read as follows:

17 **“§ 2111. Campaign Finance Report Review Division. Established.**

18 There is established a Campaign Finance Report Review Division in the
19 Guam Election Commission for the purposes of the review and adjudication of all
20 Election Campaign Contribution and Expenditure Reports submitted by candidates,
21 officials and all others as required by law. The Division shall ensure individuals
22 who are mandated to file an Election Campaign Contribution and Expenditure
23 Report are compliant with statutes governing reporting requirements
24 and shall submit to the GEC a report disclosing the individual or individuals who
25 fail to comply with such requirements for the purpose of appropriate action
26 according to law. The GEC may hire three (3) full-time employees to ensure proper
27 and timely review of reports and other documents submitted to the GEC.”

1 **Section 12.** A new Subsection (g) to § 3102.1 of Chapter 3, Title 3, Guam
2 Code Annotated is hereby *added* to read as follows:

3 “(g) Electors may be registered electronically in accordance with this
4 Section from the time registration is open until forty-five (45) days prior to an
5 election.”

6 **Section 13.** § 3104 of Chapter 3, Title 3, Guam Code Annotated is *amended*
7 to read as follows:

8 **“§ 3104. Times of Registration.**

9 ~~Ten (10)~~ Twenty-one (21) days prior to any election, the registration rolls shall
10 be closed and no further affidavits of registration shall be accepted by the
11 Commission.”

12 **Section 14.** § 3105 of Chapter 3, Title 3, Guam Code Annotated is *amended*
13 to read as follows:

14 **“§ 3105. Place of Registration.**

15 The registration of electors shall be in progress at all times at the main office
16 of the commission during such hours as the office is open for business until the
17 closing of the registration rolls. Electors may also be registered at such times and
18 places within Guam as the Commission shall deem advisable and convenient from
19 the time registration is open until ~~ten (10)~~ twenty-one (21) days prior to an election.”

20 **Section 15.** § 3110 of Chapter 3, Subsection (b), Title 3, Guam Code
21 Annotated is *amended* to read as follows:

22 **“§ 3110. Qualifications of Registration Clerks; Term of Appointment.**

23 (b) Any elector appointed as a registration clerk shall serve a limited term,
24 which shall begin from the date of appointment until midnight on the day that is
25 ~~twenty-one (21)~~ forty-five (45) days before the next scheduled general election. The
26 Commission shall promulgate policies and procedures to carry out the intent of this
27 Section. The Commission may also establish other terms of appointment, consistent

1 with the intent of this Section, for special elections, plebiscites, initiatives and any
2 other non-general elections as they deem necessary to allow for voter registration to
3 be conducted by duly appointed registration clerks.”

4 **Section 16.** § 6105 of Chapter 6, Title 3, Guam Code Annotated is *amended*
5 to read as follows:

6 **“§ 6105. ~~Person Eligible for Only One (1) Office.~~ One (1) Office**
7 **Eligibility and Unsuccessful Candidacy.**

8 (a) No person shall be eligible for more than one (1) elective office to be filled
9 in the same election. The term “election” as used in this Section includes a general
10 and a local election held on the same date, so as to prohibit a person from running
11 for office in a local election and in a general election at the same time.

12 (b) No person shall be eligible for an office to be filled in an election if sixty
13 (60) days prior to the primary he or she is holding another elective office, the term
14 of which will not expire on or prior to the date of commencement of the term of
15 office for which he or she is running, with the exception of any elective office for
16 which a special election would be required in the event of a vacancy.

17 (c) No person shall be eligible for candidacy, inclusive as a write-in candidate,
18 under any party at a general election if that person was a candidate for nomination
19 and was defeated for the nomination in that year’s primary election.

20 (d) No person shall be eligible for candidacy, inclusive as a write-in candidate,
21 for any office up for election in a general election if that person was a candidate for
22 a non-partisan office and was defeated for the nomination in that year’s primary
23 election.”

24 **Section 17.** § 6108 of Chapter 6, Title 3, Guam Code Annotated is *amended*
25 to read as follows:

26 **“§ 6108. Filing of Candidacy~~Nominating~~ Petitions. Fees.**

1 Notwithstanding any other provision of law, candidates for *I Liheslaturan*
 2 *Guåhan*, offices of *I Maga'lahen Guåhan* [Governor] and *I Segundu Na Maga'lahen*
 3 *Guåhan* [Lieutenant Governor], Washington Representative, Mayor and Vice-
 4 Mayor, the Public Auditor and the Attorney General shall file their nomination
 5 petition papers and all other required documents with the Commission no earlier
 6 than ~~one hundred thirty (130)~~ one hundred sixty (160) days before the primary
 7 election, and no later than ~~sixty (60)~~ ninety (90) days before the primary election.

8 Notwithstanding any other provision of law, candidates for the Guam
 9 Education Board and the Consolidated Commission on Utilities shall file their
 10 declarations of candidacy with the Commission no earlier than ~~one hundred thirty~~
 11 ~~(130)~~ one hundred sixty (160) days before the general election and no later than ~~sixty~~
 12 ~~(60)~~ ninety (90) days before the general election.

13 The Commission shall publish in a newspaper of general circulation the names
 14 of all candidates and the offices for which they have declared their candidacy after
 15 each filing deadline.

16 There shall be deposited with each candidacy filing, a fee on account of the
 17 expenses attending the holding of the primary and general election, which shall be
 18 paid into the Treasury of Guam. Upon receipt at the office of the Commission of a
 19 nomination of a candidate, the day, hour and minute when it was received shall be
 20 endorsed thereon.

21 (a) Fees for Candidates' Filing of Candidacy:

<u>CANDIDATE POSITION</u>	<u>FILING FEE</u>
<u>Governor/Lieutenant Governor</u>	<u>\$1000.00</u>
<u>Senator</u>	<u>\$500.00</u>
<u>Non-Voting Delegate to U.S. House of Representatives</u>	
<u>_____</u>	<u>\$1,000.00</u>
<u>Mayor</u>	<u>\$500.00</u>

1	<u>Vice-Mayor</u>	\$300.00
2	<u>Attorney General</u>	\$500.00
3	<u>Public Auditor</u>	\$500.00
4	<u>Consolidated Commission on Utilities</u>	\$500.00
5	<u>Guam Board of Education</u>	\$100.00”

6 **Section 18.** § 6110 of Chapter 6, Title 3, Guam Code Annotated is *amended*
7 to read as follows:

8 **“§ 6110. Convicted Felons and Others Shall Not be Candidates.**

9 Notwithstanding any other provision of law, all candidates for any elected
10 public office, board or commission shall not have been convicted of a felony, and
11 shall not have been convicted of a misdemeanor involving criminal sexual conduct
12 or crime of moral turpitude.

13 At the time of filing for candidacy with the Commission, a candidate
14 shall submit:

- 15 (a) a clearance from the Guam Police Department;
- 16 (b) a clearance from the Judiciary of Guam and the District Court of
17 Guam; and
- 18 (c) a signed affidavit attesting that the candidate has not been convicted
19 of a felony or misdemeanor, as described in this Section, in any state or
20 territory of the United States, or foreign country. The cost for any clearance
21 required by this Section shall be borne by the person seeking the public
22 office.”

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

25 **“§ 9112. Electioneering at Polling Place Prohibited.**

26 No person shall do any electioneering on election day within ~~one hundred~~
27 ~~(100)~~ fifty (50) feet of any entrance and/or exit of any polling place parking lot. ~~In~~

1 the case of a school, the entrance is hereby defined as the entrance gate, if the school
2 is fenced. The Commission may, on a case-by-case basis and limited to the election
3 then forthcoming, create an exception to this Section through resolution in order to
4 safely conduct the election. Notices identifying the newly set perimeter also shall
5 be clearly posted at the polling place(s) affected. The Commission shall be
6 responsible for determining and marking the fifty (50) feet or other boundaries
7 under this section. Upon request of the Commission or any election official present
8 at the polling place, the Guam Police Department shall promptly assist in the
9 enforcement of this section.”

10 **Section 20.** § 9123 of Chapter 9, Subsection (b), Subsection (1), Title 3, Guam
11 Code Annotated is *amended* to read as follows:

12 “(1) The residency of a person is that place where that person lives for a period
13 of at least ~~thirty~~ sixty (~~30~~) days, maintains that person’s home and to which,
14 whenever the person is absent, that person has the bonafide intention to return. For
15 voting purposes, a person may have only one (1) residence. Indicia of residence on
16 Guam shall include, but not be limited to, payment of Guam personal income taxes,
17 maintaining a home or other living accommodation on Guam, having temporarily
18 departed Guam with the intention of returning, and not being registered to vote in
19 any other U.S. jurisdiction since departing Guam.”

20 **Section 21.** § 11115 of Chapter 11, Title 3, Guam Code Annotated is *amended*
21 to read as follows:

22 **“§ 11115. Write-in Votes.**

23 If the write-in voting oval or other defined space is marked, a write-in vote
24 shall be counted for the office under which it is marked, ~~provided a name is written~~
25 ~~alongside the voting oval or other defined space shown.~~ The write in names
26 appearing next to the marked write-in voting ovals or other defined space provided
27 for that office shall be tabulated and published. If the total number of write-in votes

1 counted for an office could change the results as to the person having the largest
2 number of votes for that office, the names appearing next to the marked write-in
3 voting oval or other defined space for that office shall be tabulated and published.
4 Otherwise, only the total number of write-in voting ovals or other defined spaces
5 marked shall be tabulated.”

6 **Section 22.** A new § 13110 of Chapter 13, Title 3, Guam Code Annotated is
7 hereby *added* to read as follows:

8 **“§ 13110. Special Election to Fill a Vacancy in the Office of the Delegate**
9 **to the House of Representatives.**

10 The Guam Election Commission shall call for a special election on a Saturday
11 on or about sixty (60) days after a vacancy is declared in the office of the Delegate
12 to the House of Representatives by the Speaker of the U.S. House of Representatives,
13 occurring therein ninety (90) days or more prior to the date of the next general
14 election for the Delegate to the House of Representatives. There shall be no primary
15 election. Candidates must file their candidacies no later than thirty (30) days prior
16 to the special election date. The highest vote-getter shall be certified by the Guam
17 Election Commission as elected and shall be administered the oath of office
18 immediately to fill the unexpired vacancy. In the event there is no clear winner due
19 to two (2) or more candidates receiving the highest even number of votes cast (tie),
20 there shall be no run-off election, and that the Election Commission shall determine
21 the winner by drawing, placing the names of each candidate receiving an even
22 number of votes in the drawing, with the winner identified by the first name pulled
23 in the drawing. This candidate shall be certified as elected and shall be administered
24 the oath of office immediately to fill the unexpired vacancy.”

25 **Section 23.** § 14105 of Chapter 14, Title 3, Guam Code Annotated is *amended*
26 to read as follows:

27 **“§ 14105. Disposition.**

1 (a) Counting Provisional Ballots. ~~Within ten (10) days after any election,~~ Prior
2 to the certification of any election, the Commission shall count the provisional
3 voter's choices for every race for which the voter was eligible to vote. When a
4 provisional voter casts a provisional ballot in the incorrect precinct, election officials
5 shall count the votes on that ballot in every race for which the voter would be entitled
6 to vote if he or she had been in the correct precinct.

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

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

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

26 **Section 24.** § 15206 of Chapter 15, Title 3, Guam Code Annotated is hereby
27 *repealed:*

1 ~~“§ 15206. Time for Filing Nomination Papers; Fees.~~

2 ~~Nomination papers shall be filed with the Commission at least sixty (60) days~~
3 ~~but not earlier than one hundred thirty (130) days prior to the day for holding the~~
4 ~~primary. There shall be deposited with each nomination a fee of One Hundred~~
5 ~~Dollars (\$100.00) on account of the expenses attending the holding of the primary,~~
6 ~~which shall be paid into the Treasury of Guam. Upon receipt at the office of the~~
7 ~~Commission of a nomination of a candidate, the day, hour and minute when it was~~
8 ~~received shall be endorsed thereon.”~~

9 **Section 25.** Subsection (a) of § 16209 of Chapter 16, Title 3, Guam Code
10 Annotated is *amended* to read as follows:

11 “(a) Each section of the initiative petition shall have a one (1)-inch column to
12 the left of the place for printed names ~~for use of the precinct board~~. Each petitioner
13 signer shall sign next to his or her printed name and in the next place, print his or
14 her place of residence (giving the street name and number if such exist, and mailing
15 address) ~~and Social Security or CI number.”~~

16 **Section 26.** Subsection (a) of § 16306 of Chapter 16, Title 3, Guam Code
17 Annotated is *amended* to read as follows:

18 “(a) Each section of the referendum petition shall have a one (1) inch column
19 to the left of the place for printed names ~~for use of the precinct board~~. Each petitioner
20 signer shall sign next to his or her printed name, and in the next place, print his or
21 her place of residence (giving the number and street name if such exist, and mailing
22 address) ~~and Social Security or CI number.”~~

23 **Section 27.** A new § 16313 to Chapter 16, Title 3, Guam Code Annotated is
24 hereby *added* to read as follows:

25 **“§ 16313. Same: Majority Required; Effective Date.**

26 A referendum must be approved by fifty percent (50%) plus one (1) of all
27 voters who go to the polls to vote in the special or biennial general election at which

1 the referendum was placed on the ballot. Any referendum so approved by fifty
2 percent (50%) plus one (1) of all voters who go to the polls to vote at said election
3 shall take effect no earlier than the first (1st) day of the month of February of the
4 succeeding year after certification of its passage by the Commission; and after all
5 requisite government rules, regulations, permits pertaining to the initiative are
6 officially adopted and effectuated by relevant departments and agencies of the
7 government of Guam.”

8 **Section 28. Effective Date.** This Act shall be effective immediately upon
9 enactment.