

I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 330-35 (COR)

As Substituted on the Floor

Introduced by:

Kelly Marsh (Taitano), PhD
Joe S. San Agustin

**AN ACT TO ADD A NEW § 10124 TO CHAPTER 10,
TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO
PERMITTING ABSENTEE VOTING IN THE EVENT
OF A STATE OF EMERGENCY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that a crisis exists due to the outbreak of the novel coronavirus disease 2019 (COVID-19), which may negatively impair the efficient operation of voting during this year's scheduled elections.

I Liheslatura also finds that the Center for Disease Control is encouraging voters to use voting methods that minimize direct contact with other people, such as mail-in methods of voting if allowed in the jurisdiction, amid this public health crisis. Current law, however, does not allow such an option for the people of Guam.

I Liheslatura further finds that the American Civil Liberties Union (ACLU) recommends that multiple methods of requesting an absentee ballot, such as online options, be made available to voters; ballots postmarked by Election Day are accepted and counted; in-person, secured drop boxes be made available through Election Day throughout the district, until polls close; and for states to begin processing absentee ballots prior to Election Day.

It is, therefore, the intent of *I Liheslaturan Guåhan* to protect the right to vote while also protecting the health and well-being of Guam voters by permitting

1 absentee voting during the public health crisis resulting from COVID-19 in order to
2 prevent further spread of the disease.

3 **Section 1.** A new § 10124 is hereby *added* to Chapter 10, Title 3, Guam
4 Code Annotated to read:

5 **“§ 10124. State of Emergency.**

6 In a State of Emergency as declared by *I Maga'hågan Guåhan*:

7 (a) §§ 10101, 10102, 10103, 10110, 10111, and 10112 of this
8 Chapter, which prescribe administrative procedures and forms for
9 absentee voting, shall be suspended. Notwithstanding any other
10 provision under Guam law, the Commission shall be authorized to
11 make, adopt, promulgate, or enforce new forms and procedures for the
12 conduct of elections held during a State of Emergency through a duly
13 adopted resolution. The Commission shall prescribe the form or
14 affidavit declaring under penalty of perjury that the person is a qualified
15 voter;

16 (b) any qualified voter of Guam may, subject to requirements
17 prescribed by the Commission, vote in any election by absentee ballot;

18 (c) any qualified voter of Guam may request an application
19 for absentee ballot and the absentee ballot prior to a date and time as
20 determined and in a manner prescribed by the Commission. An
21 application or request submitted for the primary election shall be
22 considered an application or request for the subsequent general
23 election.”

24 **Section 2. Effective Date.** This Act shall become effective upon enactment.