


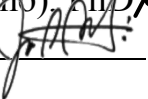
I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
330-35 (COR)	Kelly Marsh (Taitano), PhD Joe S. San Agustin	AN ACT TO AMEND §§ 10101 AND 10102 AND TO ADD A NEW § 10124, EACH OF CHAPTER 10, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ABSENTEE VOTING IN THE EVENT OF AN IMMINENT OR URGENT THREAT RESULTING FROM A PUBLIC HEALTH CRISIS OR DISEASE OUTBREAK.	3/31/20 9:28 a.m.						

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

Bill No. 330-35 (COR)

Introduced by:

Kelly Marsh (Taitano), Ph.D. 
Joe S. San Agustin 

**AN ACT TO *AMEND* §§ 10101 AND 10102 AND TO
ADD A NEW § 10124, EACH OF CHAPTER 10, TITLE
3, GUAM CODE ANNOTATED, RELATIVE TO
PERMITTING ABSENTEE VOTING IN THE EVENT
OF AN IMMINENT OR URGENT THREAT
RESULTING FROM A PUBLIC HEALTH CRISIS OR
DISEASE OUTBREAK.**

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

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

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

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

1 ballots prior to Election Day.

2 It is, therefore, the intent of *I Liheslaturan Guåhan* to protect the right to vote
3 while also protecting the health and well-being of Guam voters by permitting
4 absentee voting during the public health crisis resulting from COVID-19 in order to
5 prevent further spread of the disease.

6 **Section 2.** § 10101 of Chapter 10, Title 3, Guam Code Annotated is hereby
7 *amended* to read:

8 **“§ 10101. Conditions Upon the Right to Vote.**

9 Any qualified voter of Guam may, as provided in this Chapter and
10 subject to the conditions of this Section, vote in any election by absentee ballot
11 if he or she will be prevented from personally going to the polls and voting on
12 election day because of:

- 13 (a) the conduct of his or her business or necessary travel;
- 14 (b) illness or physical disability;
- 15 (c) service in the Armed Forces or Merchant Marine of the United
16 States;
- 17 (d) employment with the government of Guam;
- 18 (e) attendance at an institution of learning;
- 19 (f) employment in the service of the United States or any federal
20 agency; ~~or~~
- 21 (g) accompanying a spouse who is engaged in any activity listed
22 herein; or
- 23 (h) of an imminent or urgent threat resulting from a public health
24 crisis or disease outbreak, including, but not limited to, the coronavirus
25 disease 2019 (COVID-19) or a State of Emergency declaring the same
26 issued by *I Maga'hågan Guåhan* or the President of the United States.”

27 **Section 3.** § 10102 of Chapter 10, Title 3, Guam Code Annotated is hereby

1 *amended* to read:

2 **“§ 10102. Application for Ballot.**

3 (a) Except as provided herein under Subsection (b), any voter, under
4 any of the circumstances specified in § 10101 may, not less than three (3)
5 days, or, if application is made in person, not later than during the regular
6 office hours of the day prior to any election, make application to the
7 Commission for an official ballot to be voted at such election. Any such
8 application shall be made in writing on a form furnished by the Commission.

9 (b) A person classified under § 10101(b) may request an application for
10 absentee ballot, and the absentee ballot, by telephone any time prior to the
11 closing of the polls on election day. Notwithstanding any other provision of
12 law, a qualified voter under § 10101(h) may request for an absentee ballot
13 prior to a day and time as determined and in a manner as prescribed by the
14 Commission.

15 (c) An application or request submitted for the primary election shall
16 be considered an application or request for the subsequent general election.”

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

19 **“§ 10124. State of Emergency.**

20 For the duration of a State of Emergency as declared by *I Måga'hågan*
21 *Guåhan* or the President of the United States:

22 (a) the provisions of this Chapter prescribing procedures for
23 conducting elections shall be suspended to the extent that strict
24 compliance with the same would prevent, hinder, or delay an election
25 or negatively impair the efficient operation of voting.

26 (b) the Guam Election Commission shall be authorized to
27 determine and approve in a duly adopted resolution appropriate

1 requirements prescribing procedures for the conduct of elections held
2 during a State of Emergency.”

3 **Section 5. Effective Date.** This Act shall become effective upon enactment.

