

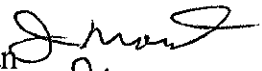
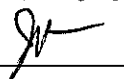
I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
173-36 (LS)	James C. Moylan Joe S. San Agustin	AN ACT TO AMEND § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO ADD § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELANON OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.	8/6/21 2:36 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 173-36 (LS)

Introduced by:

James C. Moylan 
Joe S. San Agustin 

AN ACT TO *AMEND* § 11115 OF CHAPTER 11, § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 1303 OF CHAPTER 13, ALL FROM TITLE 3, GUAM CODE ANNOTATED, AND TO *ADD* § 15110 TO CHAPTER 15, AND § 1124 TO CHAPTER 1, BOTH OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION RELATED ISSUES INCLUSIVE OF WRITE IN VOTES, COUNTING PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELANATION OF THE PRIMARY ELECTION IN CERTAIN CIRCUMSTANCES, AND VACANCIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new § 15110 is here by *added* to Chapter 15 of Title 3, Guam
3 Code Annotated to read as follows:

4 **“§ 15110. Cancellation of the Primary Election for Certain Circumstances.**

5 Notwithstanding any other provisions of the law, rule, or regulation to the
6 contrary, if fewer than the maximum number of partisan candidates who can
7 advance to the general election are running in both political parties in any election
8 year, the primary election shall not take place for that contest for that election year.

9 This subsection shall only apply to the following election contests;

10 (a) *I Liheslaturan Guåhan;*

1 **(b)** a team consisting of *I Maga'lahaen Guåhan* [Governor] and
2 *Segundu Na Maga'lahaen Guåhan* [Lieutenant Governor];

3 (c) Washington Representative;

4 (d) Mayor; and

5 (e) Vice Mayor.

6 **Section 2.** § 11115 of Chapter 11 of Title 3, Guam Code Annotated, is
7 hereby *amended* to read as follows:

8 **§ 11115. Write-in Votes.**

9 If the write-in voting oval or other defined space provided is marked, a
10 write-in vote shall be counted for the office under which it is marked, provided a
11 name is written alongside the voting oval or other defined space shown. ~~The write-~~
12 ~~in names appearing next to the marked write-in voting ovals or other defined space~~
13 ~~provided for that office shall be tabulated and published.~~ If the total number of
14 write-in votes counted for an office could change the results as to the person
15 having the largest number of votes for that office, the names appearing next to the
16 marked write-in voting oval or other defined space for that office shall be tabulated
17 and published. Otherwise, only the total number of write-in voting ovals or other
18 defined spaces marked shall be tabulated.

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

21 **§ 9112. Electioneering at Polling Place Prohibited.**

22 No person *shall* do any electioneering on election day within one hundred
23 (100) feet of any entrance and/or exit of any polling place. In the case of a school,
24 the entrance is hereby defined as the entrance gate, if the school is fenced. The
25 Commission may, on a case-by-case basis and limited to the election then
26 forthcoming, create an exception to this Section through resolution in order to
27 safely conduct the election. Notices identifying the newly set perimeter also shall

1 be clearly posted at the polling place(s) affected. The Commission shall be
2 responsible for determining and marking the one hundred (100) feet or other
3 boundaries under this section. Upon request of the Commission or any election
4 official present at the polling place, the Guam Police Department shall promptly
5 assist in the enforcement of this section.

6 **Section 4.** § 1117 of Chapter 1 of Title 3, Guam Code Annotated, is hereby
7 *amended* to read as follows:

8 **§ 1117. Same: District Precinct.**

9 Each district of Guam, as defined in Title 1 GCA § 403, *shall* constitute a
10 voting district precinct.

11 **Section 5.** A new § 1124 is hereby *added* to Chapter 1 of Title 3, Guam
12 Code Annotated to read as follows:

13 **“§ 1124. Name.**

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

19 **Section 6.** § 14105 of Chapter 14 of Title 3, Guam Code Annotated, is
20 hereby *amended* to read as follows:

21 **§ 14105. Disposition.**

22 (a) Counting Provisional Ballots. ~~Within ten (10) days after any~~
23 ~~election,~~ Prior to the certification of any election, the Commission shall
24 count the provisional voter’s choices for every race for which the voter was
25 eligible to vote. When a provisional voter casts a provisional ballot in the
26 incorrect precinct, election officials shall count the votes on that ballot in

1 every race for which the voter would be entitled to vote if he or she had been
2 in the correct precinct.

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

8 (c) Provisional Ballots as a Remedy for Incomplete or Deficient
9 Registration Applications. Provisional ballots shall serve to remedy
10 incomplete or otherwise deficient voter registration applications. In the event
11 that a voter is denied the right to vote a regular ballot because of an
12 incomplete or otherwise deficient voter registration application, the
13 provisional ballot shall be used to complete said voter's application,
14 provided that the provisions pursuant to §§ 3102 and 14104(j) of Title 3,
15 Guam Code Annotated have been met. The provisional voter shall be
16 deemed registered as of the date of the original application. ~~Within ten (10)~~
17 ~~days after an election, w~~When the voter's application shall have been
18 satisfactorily completed and deemed valid, the provisional ballot shall be
19 counted prior to the certification of any election.

20 (d) Registration of Unregistered Provisional Voters. Election officials
21 shall register provisional voters, if they are not already registered or who are
22 eligible to be registered, based on the information provided on the
23 provisional ballot envelope and provided that the provisions pursuant to §§
24 3102 and 14104(j) of Title 3, Guam Code Annotated have been met.

25 **Section 7.** § 13103 of Chapter 13, Title 3, Guam Code Annotated, is hereby
26 *amended* to read as follows:

1 § 13103. Election to Fill Vacancy in *I Liheslaturan Guåhan* (the Guam
2 Legislature) or the Seat of the Washington Representative.

3 The Guam Election Commission *shall* call for and conduct a special election
4 on a Saturday on or about sixty (60) days of any vacancy whenever:

5 (a) one (1) or more vacancies occur therein prior to eight (8) months
6 before the date of the next general election of Members of *I Liheslaturan*
7 *Guåhan* (the Guam Legislature); or-

8 (b) a vacancy occurs therein prior to eight (8) months before the date
9 of the next general election of the Washington Representative.

10 Candidates *shall* file their candidacies no later than forty (40) days prior to
11 the special election date. There *shall* be no primary election. For the vacant seat as
12 a Member of *I Liheslaturan Guåhan* (the Guam Legislature) ~~t~~The highest vote
13 getter or vote getters, if there is more than one (1) vacancy, *shall* be certified by the
14 Guam Election Commission as elected, and *shall* be administered the oath of office
15 immediately to fill the unexpired vacancy. For the vacant seat of the Washington
16 Representative, the highest vote getter *shall* be certified by the Guam Election
17 Commission as elected.

18 **Section 8. Severability.** If any provision of this Act or its application to
19 any person or circumstance is found to be invalid or contrary to law, such
20 invalidity *shall not* affect other provisions or applications of this Act that can be
21 given effect without the invalid provision or application, and to this end the
22 provisions of this Act are severable.

23 **Section 9. Effective Date.** The act *shall* be effective immediately upon
24 enactment.