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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN

THIRTY-THIRD GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910


March 23, 2015

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam


Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 3-33(LS), 7-33(COR), 11-33(COR), 23-33(COR), 24-33(COR), 38-33(LS), 39-33(LS) and 43-33(COR); and Substitute Bill Nos. 42-33(COR) and 46-33(COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on March 20, 2015.

Sincerely,


RORY J. RESPICIO
Acting Legislative Secretary

Enclosure (10)

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 23-33 (COR), "AN ACT TO AMEND SUBSECTION (a) AND REPEAL SUBSECTION (b) OF § 3102, AND TO ADD NEW §§ 3102.1 AND 3131 OF CHAPTER 3; AND TO AMEND §§ 21002, 21004, 21005 AND 21006, AND TO ADD A NEW § 21008.2, OF CHAPTER 21, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING AND STREAMLINING GUAM'S VOTER REGISTRATION REQUIREMENTS AND PROCESSES AS WELL AS THOSE RELATING TO THE GUAM DECOLONIZATION REGISTRY," was on the 20th day of March, 2015, duly and regularly passed.



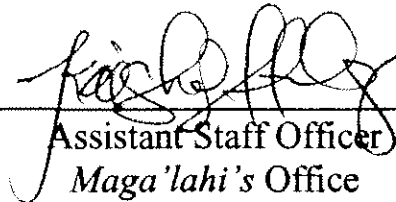
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 23rd day of March, 2015, at 5:05 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 23-33 (COR)

As amended by the Committee on Rules; Federal, Foreign and Micronesian Affairs; Human and Natural Resources, Election Reform, and Capitol District; and further amended on the Floor.

Introduced by:

Mary Camacho Torres
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreddie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTION (a) AND *REPEAL* SUBSECTION (b) OF § 3102, AND TO *ADD* NEW §§ 3102.1 AND 3131 OF CHAPTER 3; AND TO *AMEND* §§ 21002, 21004, 21005 AND 21006, AND TO *ADD* A NEW § 21008.2, OF CHAPTER 21, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING AND STREAMLINING GUAM'S VOTER REGISTRATION REQUIREMENTS AND PROCESSES, AS WELL AS THOSE RELATING TO THE GUAM DECOLONIZATION REGISTRY.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that voter participation is the foundation of democracy and the right to vote is the

1 most fundamental right guaranteed by law. The percentage of eligible voters
2 registered in Guam has been declining, and every effort should be made to
3 encourage voter registration. The growing national trend is to enable voters to
4 register online, and experience in other states demonstrates that online voter
5 registration both increases the number of registered voters and saves taxpayer
6 resources. *I Liheslaturan Guåhan* further finds that the Guam Decolonization
7 Registry is a critical component to ensure that the native inhabitants of Guam, as
8 defined by the U.S. Congress' 1950 Organic Act of Guam, exercise the inalienable
9 right to self-determination of their political relationship with the United States of
10 America. *I Liheslaturan Guåhan* further finds that participation in this process
11 must be encouraged and made accessible to all who are qualified to be on the
12 registry.

13 It is the intent of *I Liheslaturan Guåhan* to modernize and streamline
14 Guam's voter registration requirements and processes, as well as provide electronic
15 registration to all available native inhabitants of Guam.

16 **Section 2.** Subsection (a) of § 3102 of Chapter 3, Title 3, Guam Code
17 Annotated, is hereby *amended* to read as follows:

18 **“§ 3102. Affidavit of Registration, Necessity for and Contents**
19 **of.**

20 (a) No person shall be registered as a voter, except by affidavit of
21 registration made before an authorized registration clerk or, in the case of an
22 absentee voter, pursuant to the provisions of Chapter 10 of this Title. Before
23 such affidavit shall be made, the person *shall* state if he or she is currently
24 registered to vote in any other jurisdiction. If that person answers
25 affirmatively, that person *shall* identify said jurisdiction and complete and
26 sign an attested statement on a form provided by the Commission which
27 requests the cancellation of that person's registration, and which *shall* be

1 forthwith forwarded by the Commission to that jurisdiction. If that person
2 answers negatively, that person *shall* nonetheless identify the jurisdiction in
3 which that person last voted. No registration clerk shall register any person
4 *except* upon the person's declaration under penalty of perjury that the person
5 is a citizen of the United States who will be *at least* eighteen (18) years of
6 age on the date of the next election to be conducted by the Commission, and
7 that the person is a resident of Guam.

8 The affidavit of registration form by the applicant *shall* contain:

9 (1) that applicant's given name, middle name, if any, and
10 surname;

11 (2) the street name and number, municipality or lot number,
12 and municipality where that person resides on Guam;

13 (3) that the person declares under penalty of perjury that he
14 or she is a citizen of the United States who will be *at least* eighteen
15 (18) years of age on the date of the next election to be conducted by
16 the Commission;

17 (4) that the person has been a resident of Guam for *not less*
18 *than* thirty (30) days immediately preceding the date on which the
19 next election will be held;

20 (5) that applicant's complete mailing address, if different
21 from the residence address, including post office address, city or
22 town, zip code or other designation used by that person for receiving
23 mail. The form *shall* also include a line for the applicant's e-mail
24 address (optional to applicant);

25 (6) that applicant's telephone number;

26 (7) that applicant's place of birth;

27 (8) that applicant's date of birth;

1 (9) one (1) of the following identifiers for each applicant:

2 (A) the Guam driver's license number or Guam
3 identification card number of the applicant issued by the
4 Department of Revenue and Taxation, Motor Vehicle Division;
5 or

6 (B) if the applicant does not have a Guam driver's
7 license or Guam identification card, the last four (4) digits of
8 the applicant's social security number; or

9 (C) if the applicant does not have a Guam driver's
10 license or Guam identification card or a social security number
11 and the applicant attests to that, a unique identifying number
12 consisting of the applicant's unique identification number to be
13 assigned by the GEC Executive Director.

14 (10) the statement: "**Unlawful Registration is a Crime.** Any
15 person who willfully causes, procures or allows himself or herself or
16 any person to be registered as a voter, knowing himself or herself or
17 the other person not to be entitled to registration, is guilty of a felony
18 of the third degree."

19 (11) the signature of the applicant; and

20 (12) if the applicant is unable to sign the form, a statement
21 that the affidavit was completed according to the applicant's
22 direction."

23 **Section 3.** Subsection (b) of § 3102 of Chapter 3, Title 3, Guam Code
24 Annotated, is hereby *repealed*.

25 **Section 4.** A new § 3102.1 is hereby *added* to Chapter 3, Title 3, Guam
26 Code Annotated, to read as follows:

27 "**§ 3102.1. Electronic Registration.**

1 (a) A person who has a valid Guam driver's license or Guam
2 identification card may submit a voter registration application electronically
3 on the Guam Election Commission website.

4 (b) The applicant must attest, under penalty of perjury, to the truth
5 of the information provided on the application by affirmatively accepting the
6 information as true.

7 (c) The applicant must affirmatively agree to the use of his or her
8 Guam driver's license or Guam identification card signature for voter
9 registration purposes.

10 (d) The applicant must acknowledge that a person who knows that
11 he or she does not possess the legal qualifications of a voter and who
12 registers to vote is guilty of a felony in the third degree.

13 (e) For each electronic application, the Guam Election Commission
14 must obtain a digital copy of the applicant's Guam driver's license or Guam
15 identification card signature from the Department of Revenue and Taxation,
16 Motor Vehicle Division.

17 (f) The Guam Election Commission may employ additional
18 security measures to ensure the accuracy and integrity of voter registration
19 applications submitted electronically."

20 **Section 5.** § 21002 of Chapter 21, Title 3, Guam Code Annotated, is
21 *amended* to read:

22 **"§ 21002. Affidavit of Registration.**

23 No person shall be registered with the Guam Decolonization Registry,
24 except upon the person's declaration under penalty of perjury that they meet
25 the qualification as defined above. The Commission *shall* prepare forms for
26 the collection of data pertaining to registration eligibility, native inhabitant
27 of Guam family name, and residency. The Commission *shall* also require the

1 submission of such additional information and proper documentation as will
2 enable it to comply with this Chapter. The affidavit *shall* then be made in
3 duplicate and *shall* set forth all the facts required to be set forth by this Title.
4 Any change of residency must be reported to the Commission within thirty
5 (30) days of such change.”

6 **Section 6.** § 21004 of Chapter 21, Title 3, Guam Code Annotated, is
7 *amended* to read:

8 **“§ 21004. Same: Minors.**

9 Individuals below the age of eighteen (18) years, who turn eighteen
10 (18) years on or before the date of the Political Status Plebiscite, *shall* be
11 entitled to register with the Guam Decolonization Registry by a parent or
12 legal guardian. Such parent or guardian must register such minor via a
13 declaration, under penalty of perjury, that they meet the qualification as
14 defined above. The Commission *shall* also require the submission of such
15 additional information and proper documentation as will enable it to verify
16 the relationship between parent or guardian and said minor, and to comply
17 with the rest of this Chapter. Any change of residency for such minor must
18 be reported to the Commission within thirty (30) days of such change.”

19 **Section 7.** § 21005 of Chapter 21, Title 3, Guam Code Annotated, is
20 *amended* to read:

21 **“§ 21005. Same: Off-Island Native Inhabitants of Guam.**

22 Persons who are eligible under this Chapter to register with the Guam
23 Decolonization Registry, but who are not on Guam at such time as they
24 intend to register, may complete and submit a declaration, under penalty of
25 perjury, that they meet the qualification as defined above and submit said
26 declaration via electronic registration to the Commission. Declarations of
27 registration *shall* be made available by the Commission. The Commission

1 *shall* also require from such persons the submission of such additional
2 information and proper documentation as will enable it to comply with this
3 Chapter. Any change of residency must be reported to the Commission
4 within thirty (30) days of such change.”

5 **Section 8.** § 21006 of Chapter 21, Title 3, Guam Code Annotated, is
6 *amended* to read:

7 **“§ 21006. Same: Minors.**

8 Individuals below the age of eighteen (18) years who are eligible
9 under this Chapter to register with the Guam Decolonization Registry, but
10 who are not on Guam at such time as they are to be registered, may be
11 registered by a parent or legal guardian who *shall* complete and submit a
12 declaration, under penalty of perjury, that they meet the qualification as
13 defined above and submit said declaration via electronic registration to the
14 Commission on behalf of said minor. The Commission *shall* require from
15 such parent or guardian the submission of such additional information and
16 proper documentation as will enable the Commission to comply with this
17 Chapter. Any change of residency must be reported to the Commission
18 within thirty (30) days of such change.”

19 **Section 9.** A new § 21008.2 is *added* to Chapter 21, Title 3, Guam Code
20 Annotated, to read:

21 **“§ 21008.2. Online Registration.**

22 (a) A person who meets the qualifications to register under this
23 Chapter may submit their registration electronically via the Guam Election
24 Commission website.

25 (b) The applicant must attest, under penalty of perjury, to the truth
26 of the information provided on the application by affirmatively accepting the
27 information as true.

1 (c) The applicant must acknowledge that a person who knows that
2 he or she does not possess the qualifications to register and who registers
3 *shall* be guilty of perjury as a misdemeanor.

4 (d) The Guam Election Commission may employ additional
5 security measures to ensure the accuracy and integrity of the Guam
6 Decolonization registrations that are submitted electronically.”

7 **Section 10.** A new § 3131 is hereby *added* to Chapter 3, Title 3, Guam
8 Code Annotated to read:

9 **“§ 3131. Public Notice of All New Voters on GEC Website.**

10 *Except* during the ninety (90) days prior to a General Election, the
11 Election Commission *shall* publish, separate from other listings on its
12 website, the names of all new voters registered during each previous thirty
13 (30) days. These monthly listings *shall* be provided as an update, and both
14 prior and new monthly listings *shall* be made available until a succeeding
15 General Election. During the ninety (90) days prior to each General
16 Election, the Commission *shall* publish the names of all new voters
17 registered during each previous ten (10) days.”

18 **Section 11. Severability.** The provisions outlined in this Act are declared
19 to be separate and severable. The invalidity of any clause, sentence, paragraph,
20 subdivision, section or portion of this statute, or the invalidity of the application
21 thereof to any person or circumstance shall not affect the validity of the remainder
22 of this statute or the validity of its application to other persons or circumstances.