

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2022 (SECOND) Regular Session

VOTING RECORD

	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building January 28, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Bill No. 173-36 (LS) As substituted by the Committee on General Government Operations, Appropriations, and Housing; and further substituted on the Floor and amended in the Committee of the Whole.						
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telen Cruz Nelson					✓	✓
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

TOTAL

13

0

**Not
Voting/
Abstained**

**Out
During
Roll Call**


**2
Absent**

**2
Excused**

Aye

Nay

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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

Bill No. 173-36 (LS)

As substituted by the Committee on General Government Operations, Appropriations, and Housing; and further substituted and amended on the Floor.

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Introduced by:

James C. Moylan
Joe S. San Agustin
Therese M. Terlaje
Christopher M. Dueñas

AN ACT TO *AMEND* § 9112 OF CHAPTER 9, § 1117 OF CHAPTER 1, § 14105 OF CHAPTER 14, AND § 13103 OF CHAPTER 13; AND TO *ADD* A NEW § 15110 TO ARTICLE 1 OF CHAPTER 15, AND A NEW § 1124 TO CHAPTER 1, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING AND MODERNIZING ELECTION-RELATED ISSUES, TO INCLUDE THE COUNTING OF PROVISIONAL BALLOTS, ELECTIONEERING AT POLLING PLACES, THE CANCELLATION 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 hereby *added* to Article 1 of Chapter 15, Title
3 3, Guam Code Annotated, to read as follows:

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

6 Notwithstanding any other provision of law, rule, or regulation to the
7 contrary, if equal to or fewer than the maximum number of partisan, non-

1 partisan, or independent candidates who can advance to the general election
2 are running in their respective partisan, non-partisan, or independent contest
3 in any election year, the primary election shall not take place for such contest
4 for that election year. This Section shall only apply to the following elections;

5 (a) *I Liheslaturan Guåhan*;

6 (b) a team consisting of *I Maga'hågan/Maga'låhen Guåhan*
7 [Governor of Guam] and *I Sigundo Maga'hågan/Maga'låhen Guåhan*
8 [Lieutenant Governor of Guam];

9 (c) Washington Representative;

10 (d) Mayor;

11 (e) Vice Mayor;

12 (f) Office of the Public Auditor; and

13 (g) Office of the Attorney General.”

14 **Section 2.** § 9112 of Chapter 9, Title 3, Guam Code Annotated, is hereby
15 *amended* to read as follows:

16 **“§ 9112. Electioneering at Polling Place Prohibited.**

17 No person shall do any electioneering on election day within one
18 hundred (100) feet of any entrance and/or exit of any polling place. The
19 entrance or exit is defined as the entrance or exit gate, if the polling place is
20 fenced. The Commission may, on a case-by-case basis and limited to the
21 current election, make an exception to this Section through a Commission
22 Resolution if the GEC deems there to be a safety issue when conducting the
23 election. The GEC has sole discretion and responsibility to determine and
24 mark the one hundred (100) feet or other boundaries under this Section.
25 Notices identifying the newly-set perimeter also shall be posted at the entrance
26 and exit of the polling place(s) affected. In addition, the GEC or any election
27 official present at the polling place may seek the assistance of any law

1 enforcement officer to promptly assist in the enforcement of this Section,
2 including, but not limited to, removing any person from the polling place.”

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

5 **“§ 1117. Same: District.**

6 Each district of Guam, as defined in Title 1 GCA § 403, shall constitute
7 a voting district.”

8 **Section 4.** A new § 1124 is hereby *added* to Chapter 1 of Title 3, Guam
9 Code Annotated, to read as follows:

10 **“§ 1124. Name.**

11 In the case of a candidate or a nominee, the word “name” shall mean
12 the name that appears on their United States birth certificate, United States
13 passport, certificate of naturalization, court-ordered name change, certificate
14 of marriage, or any identification meeting the REAL ID Act requirements
15 issued by a state. In any provision of this Title that the word “name” appears,
16 this definition shall apply.”

17 **Section 5.** § 14105 (a), (c) and (d) of Chapter 14, Title 3, Guam Code
18 Annotated, is hereby *amended* to read as follows:

19 **“§ 14105. Disposition.**

20 (a) Counting Provisional Ballots. Prior to the certification of any
21 election, the Commission shall count the provisional voter’s choices for every
22 race for which the voter was eligible to vote. When a provisional voter casts
23 a provisional ballot in the incorrect precinct, election officials shall count the
24 votes on that ballot in every race for which the voter would be entitled to vote
25 if he or she had been in the correct precinct.

26 (c) Provisional Ballots as a Remedy for Incomplete or Deficient
27 Registration Applications. Provisional ballots shall serve to remedy

1 incomplete or otherwise deficient voter registration applications. In the event
2 that a voter is denied the right to vote a regular ballot because of an incomplete
3 or otherwise deficient voter registration application, the provisional ballot
4 shall be used to complete said voter's application; provided, that the
5 provisions of 3 GCA §§ 3102 and 14104(j) have been met. The provisional
6 voter shall be deemed registered as of the date of the original application.
7 When the voter's application shall have been satisfactorily completed and
8 deemed valid, the provisional ballot shall be counted prior to the certification
9 of any election.

10 (d) Registration of Unregistered Provisional Voters. Election
11 officials shall register provisional voters, if they are not already registered or
12 who are eligible to be registered, based on the information provided on the
13 provisional ballot envelope; and provided, that the provisions of 3 GCA §§
14 3102 and 14104(j) have been met.”

15 **Section 6.** § 13103 of Chapter 13, Title 3, Guam Code Annotated, is hereby
16 *amended* to read as follows:

17 “§ 13103. **Election to Fill Vacancy in *I Liheslaturan Guåhan* (the**
18 **Guam Legislature) or the Seat of the Washington Representative.**

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

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

24 (b) a vacancy occurs under 48 U.S.C. § 1712(a) relative to the
25 Washington Representative.

26 Candidates shall file their candidacies no later than forty (40) days prior
27 to the special election date. There shall be no primary election. For the vacant

1 seat as a Member of *I Liheslaturan Guåhan* (the Guam Legislature) the
2 highest vote getter or vote getters, if there is more than one (1) vacancy, shall
3 be certified by the Guam Election Commission as elected, and shall be
4 administered the oath of office immediately to fill the unexpired vacancy. For
5 the vacant seat of the Washington Representative, the candidate elected at
6 large and by a majority of the votes cast for the Office of Delegate shall be
7 certified by the Guam Election Commission as elected.”

8 **Section 7. Severability.** If any provision of this Act or its application to any
9 person or circumstance is found to be invalid or contrary to law, such invalidity shall
10 not affect other provisions or applications of this Act that can be given effect without
11 the invalid provision or application, and to this end the provisions of this Act are
12 severable.

13 **Section 8. Effective Date.** This Act shall be effective on January 1, 2023.