

MINA'BENTE OCHO NA LIHESLATURAN GUAHAN  
2006 (SECOND) Regular Session

Bill No. 383 (~~LS~~ EC)

Introduced by:

R. Klitzkie

AN ACT TO AMEND TITLE 3, CHAPTER 1, § 1103 RELATIVE TO DEFINITIONS OF THE BOARD OF CANVASS & APPEALS (BOCA), BUREAU OF ELECTIONS, & ADMINISTRATOR OF ELECTIONS; TO REVISE ELECTION RULES & REGULATIONS; TO AMEND TITLE 3, CHAPTER 1, § 1111(b) RELATIVE TO FILING OF POLITICAL PARTIES WITH THE BUREAU OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 1, § 1117 RELATIVE TO APPROVAL OF TABULATING DEVICES; TO AMEND TITLE 3, CHAPTER 2, § 2101 RELATIVE TO THE COMPOSITION OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2102 RELATIVE TO THE POSITION OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2103 RELATIVE TO DUTIES OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2104 RELATIVE TO THE ELECTION MANUAL; TO AMEND TITLE 3, CHAPTER 2, § 2105 RELATIVE TO THE PROVISION OF ELECTION FORMS; TO AMEND TITLE 3, CHAPTER 2, § 2106 RELATIVE TO POWERS OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2107 RELATIVE TO CANDIDATE PLACEMENT ON BALLOT; TO AMEND TITLE 3, CHAPTER 7, § 7130 RELATIVE TO THE TABULATION OF BALLOTS; TO ADD A NEW § 7103.1 TO TITLE 3 G.C.A., CHAPTER 7 RELATIVE TO ELECTRONIC VOTING MACHINES; TO ADD A NEW § 2109 TO TITLE 3, CHAPTER 2 RELATIVE TO ASSIGNMENT OF EMPLOYEES OF THE BUREAU OF ELECTIONS; TO ADD A NEW 2110 TO TITLE 3, CHAPTER 2 RELATIVE TO THE STAFF OF THE BUREAU OF ELECTIONS; TO ADD A NEW SUBSECTION (k) TO TITLE 4, CHAPTER 4, § 4101 RELATIVE TO THE DUTIES OF THE DIRECTOR OF ADMINISTRATION CONCERNING THE BUREAU OF ELECTIONS; TO SECURE OFFICE SPACE FOR THE BUREAU OF ELECTIONS; TO ADD A NEW § 2110 TO TITLE 3, CHAPTER 2 RELATIVE TO TRANSPARENCY OF GUAM ELECTION PROCEDURES; TO ADD A NEW § 1120 TO TITLE 3, CHAPTER 1 RELATIVE TO TRANSFERRING OF AUTHORITY FROM THE ELECTION COMMISSION" AND THE "EXECUTIVE DIRECTOR" TO THE BOARD OF CANVASS AND APPEALS AND THE ADMINISTRATOR OF ELECTIONS IN CH. 3-21 IN TITLE 3; TO ESTABLISH THE BUREAU OF ELECTIONS AS THE SUCESSOR TO THE ELECTION COMMISSION; TO AUTHORIZE COMMISSIONERS TO SERVE AS MEMBERS OF THE BOARD OF CANVASS & APPEALS; TO MAKE VARIOUS PROVISIONS OF THIS ACT EFFECTIVE UPON THE FILLING OF

**A CERTIFICATE BY THE DIRECTOR OF ADMINISTRATION; AND TO  
ENACT THE GUAM ELECTION REFORM ACT OF 2007.**

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

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**Table 1 Terminology**

**Section One . Short Title.** This Act maybe cited as the Guam Election Reform Act of 2007.

1 **Part I. Definitions**

2 **Section Two. Definitions: Board of Canvass and Appeals** Title 3, Chapter 1, § 1103 is  
3 amended to read:

4 **“§ 1103. ~~Commission~~ Board of Canvass and Appeals, Bureau of Elections, &**  
5 **Administrator of Elections.**

6 *~~Commission~~ Board or BOCA* means the ~~Election Commission~~ Board of Canvass and Appeals  
7 (BOCA).

8 § 1103.1 *Bureau of Elections* or *Bureau* means the agency which provides logistic and  
9 administrative support to the Administrator of Elections and the Board of Canvass and Appeals.

10 § 1103.2 *Administrator of Elections* means officer who is in charge of the Bureau of  
11 Elections and directs and supervises the operations and administration of the Bureau of Elections  
12 and is responsible for conducting elections.”

13 **Part II. Law Revision**

14 **Section Three. Law Revision**

15 (a) The Administrator of Elections shall petition the Board of Canvass and Appeals to  
16 repromulgate, in accordance with the Administrative Adjudication Law of Title 5 G.C.A.,  
17 Division 1, Chapter 9, Article 3, the rules and regulations promulgated pursuant to Title 3  
18 G.C.A., Chapter 2, § 2103(d), as those rules appear in Title 6 Guam Administrative Rules, and  
19 the materials required by §2104 of this title with appropriate amendments, additions, and  
20 deletions.

21 (b) The Administrator of Elections and the Board of Canvass and Appeals shall solicit  
22 public testimony on necessary changes to Title 3 G.C.A. The Board of Canvass and Appeals  
23 shall entertain such suggestions at the hearing(s) held by the Board of Canvass and Appeals as  
24 required by Title 5 G.C.A. § 9301.

25 (c) The Administrator of Elections shall submit a report to the Legislative Secretary of his  
26 recommended changes to Title 3 contemporaneously with the submission of the repromulgation  
27 of rules and regulations the materials required by §2104 of this title as required by (a) above,  
28 submit the report to the Speaker of *I Liheslaturan Guåhan* [Guam Legislature] and *I Maga'laha*  
29 *Guåhan* [Governor], and post the report on the official website of the Bureau of Elections in  
30 accordance with § 2111 of this Title.

31 **Part III. Amendments to Chapters 1& 2 of Title 3 G.C.A.**

1           **Section Four. Recognized Political Party.** Title 3, Chapter 1, § 1111(b) is amended to  
2 read:

3           “(b) Which shall have filed with the ~~Election Commission~~ Board under such uniform regulations  
4 as he may reasonably prescribe, such evidence of its lawful creation and election of its  
5 Chairman, Secretary and Treasurer, including their addresses; and”

6           **Section Five. Tabulating Device.** Title 3, Chapter 1, § 1117 is amended to read:

7           **“§ 1117. Same: Vote Tabulating Device.**

8           *A vote tabulating device* is a mechanical, electronic or electromechanical machine approved by  
9 the ~~Commission~~ Board of Canvass and Appeals to count ballots in an election on Guam.”

10           **Section Six. Board of Canvass and Appeals: Composition.** Title 3, Chapter 2, § 2101  
11 is amended to read:

12           **“§ 2101. ~~Election Commission~~ Board of Canvass & Appeals: Composition; Removal of**  
13 **Members; Chairman; Quorum.**

14           (a) There is within, as an autonomous instrumentality and an independent ~~commission~~  
15 board of the government of Guam, the ~~Election Commission~~ Board of Canvass and Appeals  
16 (BOCA).

17           (b) The ~~Commission~~ Board shall consist of seven (7) members, all of whom shall be  
18 eligible voters on the date of their appointment. *I Maga'lahaen Guåhan* [Governor] shall appoint  
19 six (6) members from recommendations made by the recognized political parties of Guam. Each  
20 of the recognized political parties, via a duly passed resolution, shall recommend an equal  
21 number of names to *I Maga'lahaen Guåhan* and the six (6) members appointed by *I Maga'lahaen*  
22 *Guåhan* shall be appointed so that the recognized political parties are equally represented. If at  
23 any time there are more than three (3) recognized political parties, the six (6) members appointed  
24 by *I Maga'lahaen Guåhan* shall be appointed so that no more than two (2) of such members shall  
25 be members of the same recognized political party. One (1) member shall be selected and  
26 appointed by the six (6) members appointed by *I Maga'lahaen Guåhan*. The appointment of the  
27 seventh member of the ~~Commission~~ Board shall be concurred in by at least four (4) members.  
28 The members shall serve for a term of two (2) years. If a vacancy should occur on the  
29 ~~Commission~~ Board, said vacancy shall be filled for the remainder of the term only, and by the  
30 method originally prescribed for its appointment. No member may be an elected official of the  
31 government nor a candidate or nominee for an elected office within the government.

1           (b) (c) Every member of the ~~Commission~~ Board shall be paid in accordance with 5 GCA  
2   § 43104, *Uniform Compensation for Boards and Commissions*. (c) Any appointed member may  
3   be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds (2/3s)  
4   of the members elected and serving in *I Liheslaturan Guåhan* [Legislature]. At the written  
5   request via a duly passed resolution of the state central committee of any political party that has  
6   recommended the appointment of a member, *I Maga'lahaen Guåhan* [Governor] immediately  
7   shall remove such member from the ~~Commission~~ Board. The seventh member chosen by the six  
8   (6) politically recommended members may be removed upon a vote by five (5) of the politically  
9   appointed members. Any vacancy resulting from the provisions of this Paragraph shall be filled  
10  as provided in Paragraph (a).

11           (d) (e) A majority of the members of the ~~Commission~~ Board shall constitute a quorum  
12  and no action of the ~~Commission~~ Board shall be authorized, except upon a vote of four (4) of the  
13  members.

14           (e) (f) By majority vote the ~~Commission~~ Board shall elect annually a Chairman from  
15  among its members. The term of the Chairman shall expire on the last day of June.”

16           **Section Seven. Administrator of Elections: Appointment, Ex-Officio Secretary,**  
17  **Salary.** Title 3, Chapter 2, § 2102 is amended to read:

18  “§ 2102. ~~Executive Director~~ Administrator of Elections, Appointment Of; Ex Officio  
19  Secretary of the ~~Commission~~ Board of Canvass and Appeals; Salary Of.

20           (a) The ~~Commission~~ Director of Administration shall appoint an ~~Executive Director~~.  
21  Administrator of Elections. Said ~~Executive Director~~ Administrator of Elections shall administer  
22  the election law of Guam and shall perform and discharge all of the powers, duties, purposes,  
23  functions and jurisdiction hereunder, or which hereafter by law may be vested in the  
24  ~~Commission~~ him in accordance with the law of the, and subject to the right of appeal to the  
25  ~~Commission~~ Board.

26           (b) The ~~Executive Director~~ Administrator of Elections shall be the ex officio secretary for  
27  the ~~Commission~~ Board, but shall not be a voting member thereof. As such secretary, the  
28  ~~Executive Director~~ Administrator of Elections shall keep the minutes of the ~~Commission's~~  
29  Board's proceedings, preserve all reports made to it, keep a record of all examinations held under  
30  its direction, and perform such other duties as the ~~Commission~~ Board shall prescribe.

1 (c) The ~~Executive Director~~ Administrator of Elections shall be a member of the  
2 ~~unclassified service and shall be selected in accordance with the Department of Administration's~~  
3 Personnel Rules & Regulations adopted by Executive Order No. 96-24 or successor rules and  
4 regulations and shall receive an annual salary within a range of compensation to be prescribed  
5 by the Commission in accordance with the laws of Guam. Said ~~Executive Director~~ shall serve at  
6 the pleasure of the Commission; provided, however, that the ~~Executive Director~~ may not be  
7 removed, unless that person's removal is concurred in by four (4) Commission members."

8 **Section Eight. Administrator of Elections: Duties, Audit Report; Rule-Making**  
9 **Authority.** Title 3, Chapter 2, § 2103 is amended to read:  
10 **"§ 2103. ~~Election Commission~~ Administrator of Elections, Duties and Responsibilities Of;**  
11 **Audit Report; Rule-Making Authority.**

12 (a) The ~~Commission~~ Administrator of Elections shall have direct and immediate  
13 supervision over the municipal and district officials designated in accordance with the laws of  
14 Guam to perform duties relative to the conduct of elections. The ~~Commission~~ Administrator of  
15 Elections may suspend from the performance of said duties any of said officials who shall fail to  
16 comply with its instructions, orders, decisions or rulings, and appoint temporary substitutes; and  
17 the ~~Commission~~ Administrator of Elections shall remove any such officials who shall be found  
18 guilty of nonfeasance or misfeasance in connection with the performance of their duties relative  
19 to the conduct of elections.

20 (b) The ~~Commission~~ Administrator of Elections in cooperation with the Director of  
21 Administration shall designate such subordinate officers and employees as may be necessary for  
22 the efficient performance of its functions and duties, each of whom, if not already employed by  
23 the government, shall receive a salary to be determined in accordance with the laws of Guam.

24 The ~~Board~~ Administrator of Elections ~~may shall retain employ~~ an attorney in the  
25 classified service who shall be admitted to practice before the courts of Guam and; who shall  
26 advise the Board and ~~its executive officer~~ the Administrator of Elections on all legal matters  
27 pertaining to the ~~Commission~~ Board, the Bureau of Elections and the Administrator of Elections.  
28 The designated ~~counsel~~ attorney shall represent the ~~Commission~~ Board, the Bureau of Elections  
29 and the Administrator of Elections in litigation in which the ~~Commission~~ Board, the Bureau of  
30 Elections and the Administrator of Elections is interested or involved. ~~The terms, conditions and~~

1 compensation of employment of any such attorney shall be determined by the Board, and the  
2 attorney shall serve at the pleasure of the Board.

3 (c) As early as is reasonably possible, but not later than June 30 in each odd-numbered  
4 year, the ~~Commission~~ Administrator of Elections shall prepare and deliver an annual report to *I*  
5 *Maga'lahaen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, the Chair of the legislative  
6 committee with jurisdiction over matters of elections, showing, with respect to the preceding  
7 fiscal year:

8 (1) recommendations of the ~~Commission~~ Administrator of Elections as to  
9 amendments or supplementation of laws affecting elections ~~or the office of and the~~  
10 ~~Commission~~ Bureau of Elections; and

11 (2) statistical information regarding the elections conducted during the fiscal year.

12 (d) The ~~Commission~~ Board, on the petition of the Administrator of Elections, shall  
13 promulgate rules pursuant to 5 GCA Chapter 9 necessary and convenient to carry out the  
14 provisions of this Title.”

15 **Section Nine. Election Manual.** Title 3, Chapter 2, § 2104 is amended to read:

16 **“§ 2104. Election Manual.**

17 It shall be the duty and responsibility of the ~~Commission~~ Administrator of Elections to  
18 prepare a public manual of administrative procedures, rules, regulations and forms to be used in  
19 the conduct of elections. ~~After January 1, 2001, all~~ All manuals and publications shall be  
20 prepared pursuant to the Administrative Adjudication Law. The manual shall set forth the  
21 regulations to be followed by all election officials, as well as the descriptions of the necessary  
22 equipment and forms to be used in election procedures.”

23 **Section Ten. Forms.** Title 3, Chapter 2, § 2105 is amended to read:

24 **“§ 2105. Same: Provisions of Forms.**

25 It shall be the responsibility of the ~~Commission~~ Administrator of Elections to provide all  
26 necessary forms as described in the Election Manual for the conduct of elections.”

27 **Section Eleven. Board of Canvass and Appeals: Duties.** Title 3, Chapter 2, § 2106 is  
28 amended to read:

29 **“§ 2106. Powers of the ~~Commission~~ Board of Canvass & Appeals.**

30 (a) The ~~Commission~~ Board shall have the power to summon the parties to a controversy  
31 pending before it, issue subpoenas duces tecum, and otherwise to take testimony in any

1 investigation or hearing pending before it and delegate such power to any officer. Any  
2 controversy submitted to the ~~Commission~~ Board shall be tried, heard and decided within ten (10)  
3 days counted from the time the corresponding petition giving rise to said controversy is filed.  
4 The ~~Commission~~ Board shall have the power to certify to the Superior Court of Guam for  
5 contempt. No witness fee shall be paid to a person subpoenaed in that person's capacity as a  
6 government employee or agent of the ~~Commission~~ Bureau of Elections.

7 (b) The ~~Commission~~ Board may sue and be sued in its name.

8 (c) The ~~Commission~~ Board and the Administrator of Elections may take such action as is  
9 necessary or appropriate to the carrying out of their respective ~~its~~ powers and duties as specified  
10 in this Title, or as may be otherwise imposed upon ~~the Commission~~ by law.

11 **Section Twelve. Placement on Ballot.** Title 3, Chapter 2, § 2107 is amended to read:

12 **“§ 2107. Placement on Ballot.**

13 No person shall be placed on the ballot for election to any public office unless the  
14 ~~Commission~~ Administrator of Elections has determined that said person possesses the  
15 qualifications for the office for which that person is a candidate.”

#### 16 **Part IV. Electronic Voting Machines**

17 **Section Thirteen. Method of Tabulating Ballots.** Title 3, Chapter 7, § 7103 is amended  
18 to read:

19 **“§ 7103. Method of Tabulating Ballots.**

20 (a) The ~~Commission~~ Administrator of Elections shall determine the appropriate method  
21 of casting ballots, method of tabulating ballots, the appropriate vote tabulating device if such a  
22 device is to be used and the form of ballot to be used in an election on Guam.

23 (b) The ~~Commission~~ Administrator of Elections may authorize manual tabulation for all  
24 or part of ballots cast in any election.

25 (c) The use of electronic voting machines is authorized as an appropriate method for  
26 casting and tabulating ballots in compliance with the election rules and regulations promulgated  
27 pursuant to § 2103(d) of this Title and after the certification required by § 7103.1 of this Title.  
28 ‘Ballot’ as used in this Title shall be interpreted accordingly to mean either a paper vote or an  
29 electronic vote.

30 (b) (d) The name of every candidate whose name has been certified shall be  
31 printed on or adjacent to the appropriate ballot.”



**Section Fourteen. Electronic Voting Machines.** A new § 7103.1 is added to Title 3, Chapter 7 to read:

**“§ 7103.1. Electronic Voting Machines.** No electronic voting machines shall be used for casting ballots until the Administrator of Elections certifies, posts and notices in accordance with § 2111 of this Title that:

- (a) all staff employees of the Bureau of Elections to be situated at polling sites on each election day have been properly trained;
- (b) an island-wide education program has been developed to inform and demonstrate to voters the proper use of such machines, and that such education program will be tested on an actual election day or days;
- (c) an appropriate independent entity or organization will conduct tests to determine the integrity of the electronic or mechanical voting machines; and
- (d) the results and analysis of such testing, training and education can demonstrate that electronic or mechanical voting machines can be used by the people of Guam in a manner that can be shown to be as accurate and effective as traditional paper ballots, and the results, analysis and data obtained at such testing, training and education has been reported to *I Maga'lahaen Guahan* and *I Liheslaturan Guahan*.”

## Part V. Bureau of Elections

**Section Fifteen. Assignment of Employees to the Bureau of Elections.** A new § 2109 is added to Title 3 G.C.A., Chapter 2 to read:

**“§ 2109. Employees to the Bureau of Elections.** In order to accomplish the mission of the Bureau of Elections and to support the Board, the Administrator of Elections shall petition the Director of Administration to assign and reassign such subordinate officers and employees to the Bureau pursuant to Title 4 G.C.A., Chapter 4, § 4101.1(k), taking into consideration the varying personnel requirements of the Bureau which are dependent on the proximity of biennial elections.

- (a) the Director of Administration shall assign the subordinate officers and employees of the former Election Commission to such positions within the classified service for which they are qualified;

(b) the Administrator of Elections may from time-to-time petition the Director of Administration for the assignment to the Bureau of such subordinate officers employees as are necessary to accomplish the mission of the Bureau of Elections, (c) on the petition of the Administrator of Elections stating that such employees are necessary to accomplish the mission of the Bureau of Elections, the Director of Administration may designate classified employees within the government of Guam for temporary assignment to the Bureau of Elections; and on the petition of the Administrator of Elections stating that such employees are *no longer* necessary to accomplish the mission of the Bureau of Elections, the Director of Administration shall require such employees to return to the classified positions held prior to the temporary assignment to the Bureau of Elections.”

**Section Sixteen. Staff of the Bureau of Elections.** A new § 2110 is added to Title 3, Chapter 2 to read:

**“§ 2110. Staff of the Bureau of Elections.**

(a) The staff of the Bureau of Elections consists of the Administrator of Elections, the Bureau attorney and such subordinate officers and employees as may be necessary for the efficient performance of its functions and such duties as are assigned to the Bureau by law.

(b) The Director of Administration and the Administrator of Elections shall:

- (1) develop annual plans for the efficient use of government and non-government personnel in the administration and operation of elections;
- (2) identify a cadre of personnel within the departments and agencies of the government who are trained in the administration and operation of elections; and
- (3) recruit, train, and assign non government personnel for the administration and operation of elections.”

**Section Seventeen. Duties: Director of Administration.** A new subsection (k) is added to Title 4 G.C.A., Chapter 4, § 4101.1 to read:

“(k) Concerning the Bureau of Elections:

- (1) create the position of the Administrator of Elections pursuant to Title 4 G.C.A., Chapter 6, § 6303;
- (2) serve as the appointing authority for the Administrator of Elections; and

1 (3) from time-to-time detail such employees of the departments and agencies of  
2 the government to and from the Bureau of Elections as is necessary to  
3 accomplish the mission of the Bureau of Elections in accordance with Title 3  
4 G.C.A.

5 (4) from time-to-time assign such employees to the Bureau of Elections to the  
6 department and agencies of the government.”

7 **Section Eighteen. Office Space.** The Director of Administration shall provide such  
8 office space as is necessary to the Bureau of Elections to accomplish its mission. The office  
9 space shall be located in government-owned real property except upon a written finding of the  
10 Director containing a cost-benefit analysis that lease of office space is more efficient.

11 **Section Nineteen. Transparency.** A new § 2111 is added to Title 3 G.C.A., Chapter 2  
12 shall be added to read:

13 “§ 2111. **Transparency.** All details relating to the decisions of Board, the promulgation of rules  
14 and regulations governing the Bureau of Elections, the Administrator of Elections and the  
15 BOCA, and the data, reports, and forms administered by the Administrator of Elections shall be  
16 posted on the Bureau of Elections’ official government website for a minimum of ten (10) days  
17 (Saturdays, Sundays, and government of Guam holidays excepted) and prompt notice of the  
18 postings shall be given to newspapers of general circulation and broadcasting stations which air a  
19 regular local news program on Guam. All details shall be archived on the agency’s official  
20 website for a period of ninety (90) days following the initial date of posting.”

## 21 **Part VI. Effective Dates & Implementation**

22 **Section Twenty. Transfer of Authority of the Election Commission to the**  
23 **Administrator of Elections & the Board of Canvass and Appeals.** A new § 1120 is added to  
24 Title 3 G.C.A, Chapter 1 to read:

25 “§ 1120. **Transfer of Authority.**

26 (a) All statutory provisions not specifically addressed in this Act which refer to the  
27 **Executive Director** or which purport to assign authority to the **Executive Director**  
28 are hereby amended to reflect the transfer of said authority to the Administrator of  
29 Elections, including matters which pertain specifically to operations and elections.

30 (b) All statutory provisions not specifically addressed in this Act which refer to the  
31 **Commission** or which purport to assign authority to the **Commission** where such

1 authority involves directing and supervising the **Bureau of Elections** and conducting  
2 elections are hereby amended to reflect the transfer of said authority to the  
3 Administrator of Elections, including matters which pertain specifically to  
4 certifications and appeals.

5 (c) All statutory provisions not specifically addressed in this Act which refer to the  
6 **Commission** or which purport to assign authority to the **Commission** where such  
7 authority involves certifications and appeals are hereby amended to reflect the  
8 transfer of said authority to the Board of Canvass and Appeals.

9 (d) Upon the effective date of this section the terms "Election Commission" and  
10 "Executive Director" shall no longer be used. The terms "Election Commission" and  
11 "Executive Director" as they are used in chapters 3 through 21 are amended to read:  
12 "Administrator of Elections," "Board of Canvass and Appeals," and "Bureau of  
13 Elections" as shown in Table 1 Terminology, attached..

14 **Section Twenty-One. Bureau of Elections as Successor to Election Commission.** The  
15 Bureau of Elections is the successor to the Election Commission and accedes to the authority  
16 thereof and the responsibility for all matters relating to:

- 17 (1) the operations, duties, responsibilities and of the Election Commission;  
18 (2) pending proceedings of the Election Commission;  
19 (3) books, files, records, & documents; and fixtures, furniture, office equipment &  
20 supplies used in facilitating operations of the Election Commission.

21 **Section Twenty-Two. Commissioners to Serve as Members of the Board of Canvass**  
22 **and Appeals (BOCA).** Incumbent Election Commissioners on the effective date of this section  
23 are hereby deemed members of the Board of Canvass and Appeals to serve terms of office  
24 coterminous with their respective terms as Commissioners.

25 **Section Twenty-Three. Effective Dates: Certificate by Director of Administration.**

- 26 (a) Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, and 22 shall be effective  
27 fifteen days after the Director of Administration files a certificate with the Secretary of *I*  
28 *Lihselaturan Guåhan* [Guam Legislature] and *I Maga'lahaen Guåhan* [Governor], and  
29 posted in accordance with § 2111 of this Title that the Administrator of Elections has  
30 been selected and employed pursuant §17 of this Act.

1 (b) The Administrator of Elections shall file and report as required by §12 in of this Act  
2 accordance with §2103 of this Title.

**Table 1 Terminology.**

The word or term in the cited Section of 3 GCA chapters 3-21 is amended to read “Board of Canvass and Appeals”, “Administrator of Elections”, or “Bureau of Elections” as per the “x” in columns B, C, or D. When multiple changes in code sections occur, the first change is denominated (1) the second change (2), etc.

	A	B	C	D
Section	Word in Code Section to be Amended	Board of Canvass and Appeals	Administrator of Elections	Bureau of Elections
§ 3102(a)	Commission (1,2,5,6,7), Commission’s Executive Director (3,4)	x (6),	x (1,2,3,4,5,7)	
§ 3104	Commission		x	
§ 3105	Commission	x		
§ 3105.1	Commission		x	
§ 3106 (a)	Commission			x
§ 3107	Commission		x	
§ 3109	Commission		x	
§ 3110 (a)	Commission (1,2,3)	x (2,3)	x (1)	
§ 3110 (b)	Commission (1,2)	x (1,2)		
§ 3111	Commission	x		
§ 3112	Commission			x
§ 3114	Commission (1,2)		x (1)	x (2)
§ 3116	Commission		x	
§ 3117	Commission (1,2)	x (1,2)		
§ 3119	Election Commission		x	
§ 3120	Commission (1,2,3)		x (1,2,3)	
§ 3121	Commission		x	
§ 3122	Commission		x	
§ 3123	Commission		x	
§ 3124	Commission (1,2,3,4,5)		x (1,2,4,5)	x (3)
§ 3126	Commission (1,2)		x (1,2)	
§ 3127	Commission (1,2)		x (1,2)	
§ 3128	Commission		x	
§ 3129	Commission (1,2)	x (2)	x (1)	
§ 3130	Commission(1,2,3,4,5)		x (1,2,3,4,5)	
§ 3131	Commission		X	

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrator of Elections</b>	<b>Bureau of Elections</b>
§ 3132	Commission		X	
§ 3133	Commission		X	
§ 4101	Commission (1,2)	x (2)	x (1)	
§ 4102	Commission		x	
§ 4103	Commission (1,2)	x (2)	x (1)	
§ 4104	Commission (1,2)		x (1,2)	
§ 4105 (a)	Commission		x	
§ 4105 (b)	Commission		x	
§ 4105 (b) 4)	Commission	x		
§ 4107	Commission (1,2)		x (1,2)	
§ 4108	Commission (1,2)		x (1,2)	
§ 4109	Commission		x	
§ 4110	Commission (1,2,3,4)	x (4)	x (1,2,3)	
§ 4112	Commission		x	
§ 4113	Commission		x	
§ 4114	Commission		x	
§ 4116	Commission		x	
§ 5101	Commission	x		
§ 5103	Commission	x		
§ 5104	Commission		x	
§ 5105	Commission		x	
§ 6106	Commission (1), any member of a precinct board or election (2)	x (2)	x (1)	
§ 6108	Commission			x
§ 6109	Commission			x
§ 6110	Commission			x
§ 6111	Commission	x		
§ 6112	Commission (1,2,3)		x (3)	x (1,2)
§ 6113	Commission			x
§ 6114	Commission (1,2)		x (2)	x (1)
§ 7104	Commission	x		
§ 7105	Commission (1,2,3)		x (1,2,3)	
§ 7106	Commission	x		

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrator of Elections</b>	<b>Bureau of Elections</b>
§ 7107	Commission		x	
§ 7108	Commission	x		
§ 7109	Commission			
§ 7110	Commission	x		
§ 7111	Commission		x	
§ 7112	Commission (1,2)		x (1,2)	
§ 7114	Commission	x		
§ 7115	Commission (1,2,3,4)	x (1,3,4)		x (2)
§ 7116	Commission	x		
§ 7117	Commission (1,2,3)	x (1,2)		x (3)
§ 8132	Commission (1,2,3,4)	x (1,2,3,4)		
§ 9102	Commission		x	
§ 9113	Commission	x		
§ 9120	Commission (1,2,3,4)	x (1,2,3,4)		
§ 9124	Commission		x	
§ 9124 (g)	Commission		x	
§ 9125 (d)	Commission		x	
§ 9128	Commission	x		
§ 9142 ( c )	Commission		x	
§ 9146	Commission		x	
§ 9153	Commission (1,2,3)	x (2)	x (1,3)	
§ 10102 (a)	Commission (1,2)		x (1,2)	
§ 10103	Commission			x
§ 10103 (b)	Commission	x		
§ 10103 ( c )	Commission	x		
§ 10104 (a)	Commission		x	
§ 10106	Commission		x	
§ 10107	Commission (1,2)		x (1)	x (2)
§ 10109	Commission (1,2,3)		x (1,2)	x (3)
§ 10113	Commission (1,2)		x (1,2)	
§ 10114	Commission			x
§ 10115	Commission (1,2,3)		x (1)	x (2,3)
§ 10116	Commission (1,2,3)	x (1)	x (2,3)	
§ 10118	Commission (1,2)	x (1,2)		



	A	B	C	D
Section	Word in Code Section to be Amended	Board of Canvass and Appeals	Administrator of Elections	Bureau of Elections
§ 10121	Commission		x	
§ 10125	Commission		x	
§ 10128	Election Commission	x		
§ 11109	Commission		x	
§ 11110	Commission		x	
§ 11110.1	Commission (1,2)	x (1)	x (2)	
§ 11112	Commission		x	
§ 11120	Commission (1)	x(1)	x(1)	
§ 11122	Commission (1,2,3,4)	x (1,2,3,4)		
§ 11123	Commission	x (1)	x (2)	
§ 11124	Election Commission (1,2)	x (1,2)		
§ 11126	Commission		x	
§ 11127	Commission	x		
§ 11128	Commission		x	
§ 11129	Commission		x	
§ 11130	Commission (1,2)	x		
§ 11131	Commission		x	
§ 11132	Commission	x		
§ 11133	Commission	x (1,2)	x (3)	
§ 11133.1	Commission	x		
§ 11134	Commission (1,2)	x (1,2)		
§ 11135	Commission (1,2,3)	x (1,2,3)		
§ 11136	Commission	x		
§ 11137	Commission	x		
§ 11139	Commission (1,2)		x (1,2)	
§ 12102 (f)	Commission	x		
§ 12117	Commission	x		
§ 12118	Commission	x		
§ 13103	Commission		x	
§ 13104	Guam Election Commission (1,2)	x (1,2)		
§ 13107	Commission (1,2)		x (1,2)	
§ 13108	Commission (1,2,3,4,5,6,7,8,9,10)		x (1,2,3,4,5,6,7,8,9,10)	
§ 13109	Commission (1,2,3)	x(1,2,3)		

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrator of Elections</b>	<b>Bureau of Elections</b>
§ 16101(a)	Commission	x		
§ 16105	Commission		x	
§ 16107	Commission (1,2)			x(1,2)
§ 16108	Commission	x		
§ 16108 (b)	Commission	x		
§ 16202	Commission (1,2)		x(1,2)	
§ 16203	Commission		x	
§ 16206	Election Commission (1,2)	x		
§ 16301	Guam Election Commission (1)	x		
§ 16301 (a)	Guam Election Commission			x
§ 16301 (b) 1)	Guam Election Commission	x		
§ 16301 (e)	Guam Election Commission		x	
§ 16301 (f)	Guam Election Commission	x		
§ 16301 (g)	Guam Election Commission			x
§ 16404 ( c )	Commission	x		
§ 16405	Commission	x		
§ 16501	Commission	x		
§ 16504	Commission	x		
§ 17104 (a)	Election Commission	x		
§ 17104 (b)	Election Commission	x		
§ 17105	Election Commission (1)	x		
§ 17106	Election Commission	x		
§ 17201	Election Commission (1,2)	x(1,2)		
§ 17203	Commission	x		
§ 17204	Commission	x		
§ 17206	Election Commission	x		
§ 17210	Election Commission (1,2,3)		x(1,2,3)	
§ 17211	Election Commission	x		
§ 17212	Commission (1,2,3,4,5)	x(1,2,4,5)		x(3)
§ 17301	Commission	x		
§ 17303	Election Commission	x		
§ 17304	Election Commission	x		
§ 17309	Election Commission		x(1,2,3)	

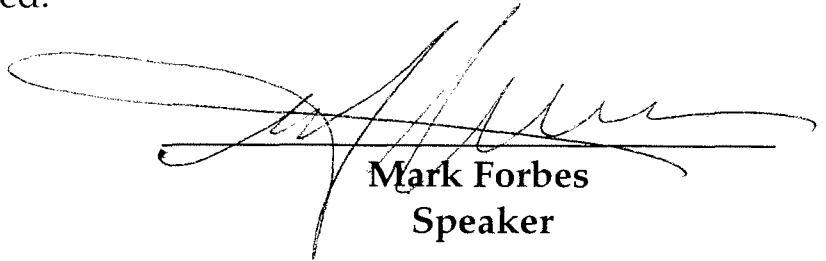
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrator of Elections</b>	<b>Bureau of Elections</b>
	(1,2,3)			
§ 17310	Election Commission	x		
§ 17311	Election Commission (1,2,3,4,5)	x		
§ 17503	Election Commission			x
§ 17504	Election Commission	x		
§ 17505	Election Commission (1,2)	x		
§ 17507	Election Commission (1,2)	x(1,2)		
§ 17508	Election Commission		x	
§ 17510	Election Commission	x		
§ 17511	Election Commission		x	
§ 17512	Election Commission	x		
§ 17513	Election Commission	x		
§ 18101	Election Commission (1,2,3)	x(1,3)	x(2)	
§ 19101 (d)	Election Commission	x		
§ 19102	Election Commission	x(1)		
§ 19102(a)	Election Commission (1,2,3)	x(3)	x(1,2)	
§ 19102 d	Election Commission	x		
§ 19103	Election Commission	x		
§ 19103.2	Election Commission	x		
§ 19108 b	Election Commission (1,2)	x(1,2)		
§ 19111	Election Commission	x		
§ 19112	Election Commission	x		
§ 19112.2	Guam Election Commission		x	
§ 19113	Commission (1,2)	x(1,2)		
§ 19114	Commission	x		
§ 19115 (b)	Commission	x		
§ 19116	Commission			x
§ 19118	Commission (1,2,3,4,5,6,7,8,9,10,11,12)	x(3,4,5,6,7,8,9,10,11,12)	x(2)	x(1)
§ 20002	Commission (1,2,3,4)	x(1,2,3,4)		
§ 20004	Commission (1,2,3)	x(1,2,3)		
§ 20005	Commission (1,2,3,4)	x(1,2,3,4)		
§ 20006	Commission (1,2,3)	x(1,2,3)		

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

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

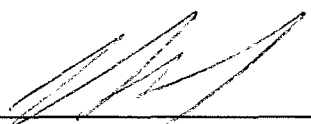
This is to certify that Substitute Bill No. 383(EC), "AN ACT TO AMEND TITLE 3, CHAPTER 1, §1103, RELATIVE TO DEFINITIONS OF THE BOARD OF CANVASS & APPEALS (BOCA), BUREAU OF ELECTIONS, & ADMINISTRATOR OF ELECTIONS; TO REVISE ELECTION RULES & REGULATIONS; TO AMEND TITLE 3, CHAPTER 1, §1111(b), RELATIVE TO FILING OF POLITICAL PARTIES WITH THE BUREAU OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 1, §1117, RELATIVE TO APPROVAL OF TABULATING DEVICES; TO AMEND TITLE 3, CHAPTER 2, §2101 RELATIVE TO THE COMPOSITION OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2102, RELATIVE TO THE POSITION OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, §2103 RELATIVE TO DUTIES OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, §2104 RELATIVE TO THE ELECTION MANUAL; TO AMEND TITLE 3, CHAPTER 2, §2105 RELATIVE TO THE PROVISION OF ELECTION FORMS; TO AMEND TITLE 3, CHAPTER 2, §2106, RELATIVE TO POWERS OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, §2107, RELATIVE TO CANDIDATE PLACEMENT ON BALLOT; TO AMEND TITLE 3, CHAPTER 7, §7130, RELATIVE TO THE TABULATION OF BALLOTS; TO ADD A NEW §7103.1 TO TITLE 3 G.C.A., CHAPTER 7, RELATIVE TO ELECTRONIC VOTING MACHINES; TO ADD A NEW §2109 TO TITLE 3, CHAPTER 2, RELATIVE TO ASSIGNMENT OF EMPLOYEES OF THE BUREAU OF ELECTIONS; TO ADD A NEW 2110 TO TITLE 3, CHAPTER 2, RELATIVE TO THE STAFF OF THE BUREAU OF ELECTIONS; TO ADD A NEW SUBSECTION (k) TO TITLE 4, CHAPTER 4, §4101 RELATIVE TO THE DUTIES OF THE DIRECTOR OF ADMINISTRATION CONCERNING THE BUREAU OF ELECTIONS; TO SECURE OFFICE SPACE FOR THE BUREAU OF ELECTIONS; TO ADD A NEW §2110 TO TITLE 3, CHAPTER 2, RELATIVE TO

TRANSPARENCY OF GUAM ELECTION PROCEDURES; TO ADD A NEW §1120 TO TITLE 3, CHAPTER 1, RELATIVE TO TRANSFERRING OF AUTHORITY FROM THE ELECTION COMMISSION" AND THE "EXECUTIVE DIRECTOR" TO THE BOARD OF CANVASS AND APPEALS AND THE ADMINISTRATOR OF ELECTIONS IN CH. 3-21 IN TITLE 3; TO ESTABLISH THE BUREAU OF ELECTIONS AS THE SUCESSOR TO THE ELECTION COMMISSION; TO AUTHORIZE COMMISSIONERS TO SERVE AS MEMBERS OF THE BOARD OF CANVASS & APPEALS; TO MAKE VARIOUS PROVISIONS OF THIS ACT EFFECTIVE UPON THE FILLING OF A CERTIFICATE BY THE DIRECTOR OF ADMINISTRATION; AND TO ENACT THE GUAM ELECTION REFORM ACT OF 2007," was on the 29<sup>th</sup> day of December, 2006, duly and regularly passed.



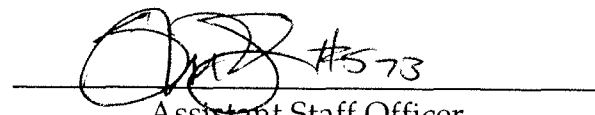
Mark Forbes  
Speaker

Attested:



Edward J.B. Calvo  
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30 day of Dec, 2006, at  
1:30 o'clock P.M.



#573  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2006 (SECOND) Regular Session**

**Bill No. 383 (EC)**

As substituted by the Committee  
on Judiciary, Governmental  
Operations & Reorganization  
and amended.

Introduced by:

R. Klitzkie  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
Mark Forbes  
L. F. Kasperbauer  
J. A. Lujan  
A. B. Palacios, Sr.  
R. J. Respicio  
Ray Tenorio  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO *AMEND* TITLE 3, CHAPTER 1, §1103, RELATIVE TO DEFINITIONS OF THE BOARD OF CANVASS & APPEALS (BOCA), BUREAU OF ELECTIONS, & ADMINISTRATOR OF ELECTIONS; TO *REVISE* ELECTION RULES & REGULATIONS; TO *AMEND* TITLE 3, CHAPTER 1, §1111(b), RELATIVE TO FILING OF POLITICAL PARTIES WITH THE BUREAU OF ELECTIONS; TO *AMEND* TITLE 3, CHAPTER 1, §1117, RELATIVE TO APPROVAL OF TABULATING DEVICES; TO *AMEND* TITLE 3, CHAPTER 2, §2101 RELATIVE TO THE COMPOSITION OF THE BOARD OF CANVASS & APPEALS; TO *AMEND* TITLE 3, CHAPTER 2, § 2102, RELATIVE TO THE POSITION OF THE ADMINISTRATOR OF ELECTIONS; TO *AMEND* TITLE 3, CHAPTER 2, §2103 RELATIVE TO DUTIES**

OF THE ADMINISTRATOR OF ELECTIONS; TO *AMEND* TITLE 3, CHAPTER 2, §2104 RELATIVE TO THE ELECTION MANUAL; TO *AMEND* TITLE 3, CHAPTER 2, §2105 RELATIVE TO THE PROVISION OF ELECTION FORMS; TO *AMEND* TITLE 3, CHAPTER 2, §2106, RELATIVE TO POWERS OF THE BOARD OF CANVASS & APPEALS; TO *AMEND* TITLE 3, CHAPTER 2, §2107, RELATIVE TO CANDIDATE PLACEMENT ON BALLOT; TO *AMEND* TITLE 3, CHAPTER 7, §7130, RELATIVE TO THE TABULATION OF BALLOTS; TO *ADD* A NEW §7103.1 TO TITLE 3 G.C.A., CHAPTER 7, RELATIVE TO ELECTRONIC VOTING MACHINES; TO *ADD* A NEW §2109 TO TITLE 3, CHAPTER 2, RELATIVE TO ASSIGNMENT OF EMPLOYEES OF THE BUREAU OF ELECTIONS; TO *ADD* A NEW 2110 TO TITLE 3, CHAPTER 2, RELATIVE TO THE STAFF OF THE BUREAU OF ELECTIONS; TO *ADD* A NEW SUBSECTION (k) TO TITLE 4, CHAPTER 4, §4101 RELATIVE TO THE DUTIES OF THE DIRECTOR OF ADMINISTRATION CONCERNING THE BUREAU OF ELECTIONS; TO SECURE OFFICE SPACE FOR THE BUREAU OF ELECTIONS; TO *ADD* A NEW §2110 TO TITLE 3, CHAPTER 2, RELATIVE TO TRANSPARENCY OF GUAM ELECTION PROCEDURES; TO *ADD* A NEW §1120 TO TITLE 3, CHAPTER 1, RELATIVE TO TRANSFERRING OF AUTHORITY FROM THE ELECTION COMMISSION” AND THE “EXECUTIVE DIRECTOR” TO THE BOARD OF CANVASS AND APPEALS AND THE ADMINISTRATOR OF ELECTIONS IN CH. 3-21 IN TITLE 3; TO ESTABLISH THE BUREAU OF ELECTIONS AS THE SUCESSOR TO THE ELECTION COMMISSION; TO AUTHORIZE COMMISSIONERS TO SERVE AS MEMBERS OF THE BOARD OF CANVASS & APPEALS; TO MAKE VARIOUS PROVISIONS OF THIS ACT EFFECTIVE UPON THE FILLING OF A CERTIFICATE BY THE DIRECTOR OF ADMINISTRATION; AND TO *ENACT* THE GUAM ELECTION REFORM ACT OF 2007.

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

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**Section 8. Administrator of Elections: Duties, Audit Report; Rule-Making Authority.**

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9    **Section 23. Effective Dates: Certificate by Director of Administration.**

10                   **Table 1 Terminology**

11           **Section 1 . Short Title.** This Act maybe cited as the Guam Election  
12 Reform Act of 2007.

13                   **Part I. Definitions**

14           **Section 2. Definitions: Board of Canvass and Appeals** Title 3, Chapter 1,  
15 §1103 is *amended* to read:

16                   **“§1103. Board of Canvass and Appeals, Bureau of Elections, &**  
17           **Administrator of Elections.**

18 *Board* or *BOCA* means the Board of Canvass and Appeals (BOCA).

19           **§1103.1. *Bureau of Elections*** or *Bureau* means the agency which  
20 provides logistic and administrative support to the Administrator of Elections and  
21 the Board of Canvass and Appeals.

22           **§1103.2. *Administrator of Elections*** means the officer who is in  
23 charge of the Bureau of Elections and directs and supervises the operations and  
24 administration of the Bureau of Elections and is responsible for conducting  
25 elections.”

26                   **Part II. Law Revision**

27           **Section 3. Law Revision.**

1 (a) The Administrator of Elections shall petition the Board of Canvass and  
2 Appeals to repromulgate, in accordance with the Administrative Adjudication Law  
3 of Title 5 G.C.A, Division 1, Chapter 9, Article 3, the rules and regulations  
4 promulgated pursuant to Title 3 G.C.A., Chapter 2, §2103(d), as those rules appear  
5 in Title 6 Guam Administrative Rules, and the materials required by §2104 of this  
6 title with appropriate amendments, additions, and deletions.

7 (b) The Administrator of Elections and the Board of Canvass and Appeals  
8 shall solicit public testimony on necessary changes to Title 3 G.C.A. The Board of  
9 Canvass and Appeals shall entertain such suggestions at the hearing(s) held by the  
10 Board of Canvass and Appeals as required by Title 5 G.C.A. §9301.

11 (c) The Administrator of Elections shall submit a report to the Legislative  
12 Secretary of his recommended changes to Title 3 contemporaneously with the  
13 submission of the repromulgation of rules and regulations the materials required by  
14 §2104 of this title as required by (a) above, submit the report to the Speaker of *I*  
15 *Liheslaturan Guåhan* [Guam Legislature] and *I Maga'lahaen Guåhan* [Governor],  
16 and post the report on the official website of the Bureau of Elections in accordance  
17 with §2111 of this Title.

### 18 **Part III. Amendments to Chapters 1& 2 of Title 3 G.C.A.**

19 **Section 4. Recognized Political Party.** Title 3, Chapter 1, §1111(b) is  
20 *amended* to read:

21 “(b) Which shall have filed with the Board under such uniform  
22 regulations as it may reasonably prescribe, such evidence of its lawful  
23 creation and election of its Chairman, Secretary and Treasurer, including  
24 their addresses; and”

25 **Section 5. Tabulating Device.** Title 3, Chapter 1, §1117 is *amended* to read:

26 **“§1117. Same: Vote Tabulating Device.**

1 A *vote tabulating device* is a mechanical, electronic or electromechanical machine  
2 approved by the Board of Canvass and Appeals to count ballots in an election on  
3 Guam.”

4 **Section 6. Board of Canvass and Appeals: Composition.** Title 3, Chapter  
5 2, §2101 is *amended* to read:

6 **“§2101. Board of Canvass & Appeals: Composition; Removal of**  
7 **Members; Chairman; Quorum.**

8 (a) There is within, as an autonomous instrumentality and an  
9 independent board of the government of Guam, the Board of Canvass  
10 and Appeals (BOCA).

11 (b) The Board shall consist of seven (7) members, all of whom  
12 shall be eligible voters on the date of their appointment. *I Maga’lahen*  
13 *Guåhan* [Governor] shall appoint six (6) members from  
14 recommendations made by the recognized political parties of Guam.  
15 Each of the recognized political parties, via a duly passed resolution,  
16 shall recommend an equal number of names to *I Maga’lahen Guåhan*  
17 and the six (6) members appointed by *I Maga’lahen Guåhan* shall be  
18 appointed so that the recognized political parties are equally  
19 represented. If at any time there are more than three (3) recognized  
20 political parties, the six (6) members appointed by *I Maga’lahen*  
21 *Guåhan* shall be appointed so that no more than two (2) of such  
22 members shall be members of the same recognized political party.  
23 One (1) member shall be selected and appointed by the six (6)  
24 members appointed by *I Maga’lahen Guåhan*. The appointment of the  
25 seventh member of the Board shall be concurred in by at least four (4)  
26 members. The members shall serve for a term of two (2) years. If a  
27 vacancy should occur on the Board, said vacancy shall be filled for

1 the remainder of the term only, and by the method originally  
2 prescribed for its appointment. No member may be an elected official  
3 of the government nor a candidate or nominee for an elected office  
4 within the government.

5 (c) Every member of the Board shall be paid in accordance with  
6 GCA § 43104, *Uniform Compensation for Boards and*  
7 *Commissions*.

8 (d) Any appointed member may be removed for misconduct in  
9 office by a resolution duly adopted by a vote of two-thirds (2/3s) of  
10 the members elected and serving in *I Liheslaturan Guåhan*  
11 [Legislature]. At the written request via a duly passed resolution of the  
12 state central committee of any political party that has recommended  
13 the appointment of a member, *I Maga'laken Guåhan* [Governor]  
14 immediately shall remove such member from the Board. The seventh  
15 member chosen by the six (6) politically recommended members may  
16 be removed upon a vote by five (5) of the politically appointed  
17 members. Any vacancy resulting from the provisions of this  
18 Paragraph shall be filled as provided in Paragraph (a).

19 (e) A majority of the members of the Board shall constitute a  
20 quorum and no action of the Board shall be authorized, except upon a  
21 vote of four (4) of the members.

22 (f) By majority vote the Board shall elect annually a Chairman  
23 from among its members. The term of the Chairman shall expire on  
24 the last day of June.”

25 **Section 7. Administrator of Elections: Appointment, Ex-Officio**  
26 **Secretary, Salary.** Title 3, Chapter 2, §2102 is *amended* to read:

1                   **“§2102. Administrator of Elections, Appointment Of; Ex Officio**  
2                   **Secretary of the Board of Canvass and Appeals; Salary Of.**

3                   (a) The Director of Administration shall appoint an  
4                   Administrator of Elections. Said Administrator of Elections shall  
5                   administer the election law of Guam and shall perform and discharge  
6                   all of the powers, duties, purposes, functions and jurisdiction  
7                   hereunder, or which hereafter by law may be vested in him in  
8                   accordance with the law and subject to the right of appeal to the  
9                   Board.

10                  (b) The Administrator of Elections shall be the ex officio  
11                  secretary for the Board, but shall not be a voting member thereof. As  
12                  such secretary, the Administrator of Elections shall keep the minutes  
13                  of the Board’s proceedings, preserve all reports made to it, keep a  
14                  record of all examinations held under its direction, and perform such  
15                  other duties as the Board shall prescribe.

16                  (c) The Administrator of Elections shall be a member of the  
17                  classified service and shall be selected in accordance with the  
18                  Department of Administration’s Personnel Rules & Regulations  
19                  adopted by Executive Order No. 96-24 or successor rules and  
20                  regulations.”

21                  **Section 8. Administrator of Elections: Duties, Audit Report; Rule-**  
22                  **Making Authority.** Title 3, Chapter 2, §2103 is *amended* to read:

23                         **“§2103. Administrator of Elections, Duties and Responsibilities**  
24                         **Of; Audit Report; Rule-Making Authority.**

25                         (a) The Administrator of Elections shall have direct and  
26                         immediate supervision over the municipal and district officials  
27                         designated in accordance with the laws of Guam to perform duties

1 relative to the conduct of elections. The Administrator of Elections  
2 may suspend from the performance of said duties any of said officials  
3 who shall fail to comply with its instructions, orders, decisions or  
4 rulings, and appoint temporary substitutes; and the Administrator of  
5 Elections shall remove any such officials who shall be found guilty of  
6 nonfeasance or misfeasance in connection with the performance of  
7 their duties relative to the conduct of elections.

8 (b) The Administrator of Elections in cooperation with the  
9 Director of Administration shall designate such subordinate officers  
10 and employees as may be necessary for the efficient performance of  
11 the Board's functions and duties, each of whom, if not already  
12 employed by the government, shall receive a salary to be determined  
13 in accordance with the laws of Guam.

14 The Administrator of Elections shall employ an attorney in the classified  
15 service who shall be admitted to practice before the courts of Guam and who shall  
16 advise the Board and the Administrator of Elections on all legal matters pertaining  
17 to the Board, the Bureau of Elections and the Administrator of Elections. The  
18 designated attorney shall represent the Board, the Bureau of Elections and the  
19 Administrator of Elections in litigation in which the Board, the Bureau of Elections  
20 and the Administrator of Elections is interested or involved.

21 (c) As early as is reasonably possible, but *not later than* June 30  
22 in each odd-numbered year, the Administrator of Elections shall  
23 prepare and deliver an annual report to *I Maga'lahaen Guåhan*, the  
24 Speaker of *I Liheslaturan Guåhan*, the Chair of the legislative  
25 committee with jurisdiction over matters of elections, showing, with  
26 respect to the preceding fiscal year:

1 (1) recommendations of the Administrator of Elections  
2 as to amendments or supplementation of laws affecting elections and  
3 the Bureau of Elections; and

4 (2) statistical information regarding the elections  
5 conducted during the fiscal year.

6 (d) The Board, on the petition of the Administrator of Elections,  
7 shall promulgate rules pursuant to 5 GCA Chapter 9 necessary and  
8 convenient to carry out the provisions of this Title.”

9 **Section 9. Election Manual.** Title 3, Chapter 2, §2104 is *amended* to read:

10 **“§2104. Election Manual.**

11 It shall be the duty and responsibility of the Administrator of  
12 Elections to prepare a public manual of administrative procedures,  
13 rules, regulations and forms to be used in the conduct of elections. All  
14 manuals and publications shall be prepared pursuant to the  
15 Administrative Adjudication Law. The manual shall set forth the  
16 regulations to be followed by all election officials, as well as the  
17 descriptions of the necessary equipment and forms to be used in  
18 election procedures.”

19 **Section 10. Forms.** Title 3, Chapter 2, §2105 is *amended* to read:

20 **“§2105. Same: Provisions of Forms.**

21 It shall be the responsibility of the Administrator of Elections to  
22 provide all necessary forms as described in the Election Manual for the  
23 conduct of elections.”

24 **Section 11. Board of Canvass and Appeals: Duties.** Title 3, Chapter 2,  
25 §2106 is *amended* to read:

26 **“§2106. Powers of the Board of Canvass & Appeals.**

(a) The Board shall have the power to summon the parties to a controversy pending before it, issue subpoenas duces tecum, and otherwise to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Board shall be tried, heard and decided within ten (10) days counted from the time the corresponding petition giving rise to said controversy is filed. The Board shall have the power to certify to the Superior Court of Guam for contempt. No witness fee shall be paid to a person subpoenaed in that person's capacity as a government employee or agent of the Bureau of Elections.

(b) The Board may sue and be sued in its name.

(c) The Board and the Administrator of Elections may take such action as is necessary or appropriate to the carrying out of their respective powers and duties as specified in this Title, or as may be otherwise imposed upon them by law.

**Section 12. Placement on Ballot.** Title 3, Chapter 2, §2107 is *amended* to read:

**“§2107. Placement on Ballot.**

No person shall be placed on the ballot for election to any public office unless the Administrator of Elections has determined that said person possesses the qualifications for the office for which that person is a candidate.”

**Part IV. Electronic Voting Machines**

**Section 13. Method of Tabulating Ballots.** Title 3, Chapter 7, §7103 is *amended* to read:

**“§7103. Method of Tabulating Ballots.**



(a) The Administrator of Elections shall determine the appropriate method of casting ballots, method of tabulating ballots, the appropriate vote tabulating device if such a device is to be used and the form of ballot to be used in an election on Guam.

(b) The Administrator of Elections may authorize manual tabulation for all or part of ballots cast in any election.

(c) The use of electronic voting machines is authorized as an appropriate method for casting and tabulating ballots in compliance with the election rules and regulations promulgated pursuant to §2103(d) of this Title and after the certification required by §7103.1 of this Title. 'Ballot' as used in this Title shall be interpreted accordingly to mean either a paper vote or an electronic vote.

(d) The name of every candidate whose name has been certified shall be printed on or adjacent to the appropriate ballot."

**Section 14. Electronic Voting Machines.** A new §7103.1 is *added* to Title 3, Chapter 7 to read:

**"§7103.1. Electronic Voting Machines.** No electronic voting machines shall be used for casting ballots until the Administrator of Elections certifies, posts and notices in accordance with §2111 of this Title that:

(a) the electronic voting machines have been tested and determined to be accurate and tamperproof by a reputable organization;

(b) polling place personnel have been properly trained in the operation of the electronic voting machines;

(c) security procedures protecting the sanctity of the vote are in place; and

(d) a parallel system for tallying electronic votes (paper trail) is in place.

### **Part V. Bureau of Elections**

**Section 15. Assignment of Employees to the Bureau of Elections.** A new §2109 is *added* to Title 3 G.C.A., Chapter 2 to read:

**“§2109. Employees to the Bureau of Elections.** In order to accomplish the mission of the Bureau of Elections and to support the Board, the Administrator of Elections shall petition the Director of Administration to assign and reassign such subordinate officers and employees to the Bureau pursuant to Title 4 G.C.A., Chapter 4, §4101.1(k), taking into consideration the varying personnel requirements of the Bureau which are dependent on the proximity of biennial elections.

(a) the Director of Administration shall assign the subordinate officers and employees of the former Election Commission to such positions within the classified service for which they are qualified;

(b) the Administrator of Elections may from time-to-time petition the Director of Administration for the assignment to the Bureau of such subordinate officers employees as are necessary to accomplish the mission of the Bureau of Elections;

(c) on the petition of the Administrator of Elections stating that such employees are necessary to accomplish the mission of the Bureau of Elections, the Director of Administration may designate classified employees within the government of Guam for temporary assignment to the Bureau of Elections; and

(d) on the petition of the Administrator of Elections stating that such employees are *no longer* necessary to accomplish the

mission of the Bureau of Elections, the Director of Administration shall require such employees to return to the classified positions held prior to the temporary assignment to the Bureau of Elections.”

**Section 16. Staff of the Bureau of Elections.** A new §2110 is *added* to Title 3, Chapter 2 to read:

**“§ 2110. Staff of the Bureau of Elections.**

(a) The staff of the Bureau of Elections consists of the Administrator of Elections, the Bureau attorney and such subordinate officers and employees as may be necessary for the efficient performance of its functions and such duties as are assigned to the Bureau by law.

(b) The Director of Administration and the Administrator of Elections shall:

(1) develop annual plans for the efficient use of government and non-government personnel in the administration and operation of elections;

(2) identify a cadre of personnel within the departments and agencies of the government who are trained in the administration and operation of elections; and

(3) recruit, train, and assign non government personnel for the administration and operation of elections.”

**Section 17. Duties: Director of Administration.** A new Subsection (k) is *added* to Title 4 G.C.A., Chapter 4, §4101.1 to read:

“(k) Concerning the Bureau of Elections:

(1) create the position of the Administrator of Elections pursuant to Title 4 G.C.A., Chapter 6, §6303;

(2) serve as the appointing authority for the Administrator of Elections; and

(3) from time-to-time detail such employees of the departments and agencies of the government to and from the Bureau of Elections as is necessary to accomplish the mission of the Bureau of Elections in accordance with Title 3 G.C.A.

(4) from time-to-time assign such employees to the Bureau of Elections to the department and agencies of the government.”

**Section 18. Office Space.** The Director of Administration shall provide such office space as is necessary to the Bureau of Elections to accomplish its mission. The office space shall be located in government-owned real property *except* upon a written finding of the Director containing a cost-benefit analysis that lease of office space is more efficient.

**Section 19. Transparency.** A new §2111 is *added* to Title 3 G.C.A., Chapter 2 shall be *added* to read:

“§2111. **Transparency.** All details relating to the decisions of the Board, the promulgation of Rules and Regulations governing the Bureau of Elections, the Administrator of Elections and the Board, and the data, reports, and forms administered by the Administrator of Elections shall be posted on the Bureau of Elections’ official government website for a minimum of ten (10) days (Saturdays, Sundays, and government of Guam holidays excepted) and prompt notice of the postings shall be given to newspapers of general circulation and broadcasting stations which air a regular local news program on Guam. All details shall be archived on the agency’s official website for a period of ninety (90) days following the initial date of posting.”

## **Part VI. Effective Dates & Implementation**

1       **Section 20. Transfer of Authority of the Election Commission to the**  
2       **Administrator of Elections & the Board of Canvass and Appeals.** A new §1120  
3       is *added* to Title 3 G.C.A, Chapter 1 to read:

4               **“§ 1120. Transfer of Authority.**

5               (a) All statutory provisions *not* specifically addressed in this  
6       Act which refer to the Executive Director or which purport to assign  
7       authority to the Executive Director are hereby amended to reflect the  
8       transfer of said authority to the Administrator of Elections, including  
9       matters which pertain specifically to operations and elections.

10              (b) All statutory provisions *not* specifically addressed in this  
11       Act which refer to the Commission or which purport to assign  
12       authority to the Commission where such authority involves directing  
13       and supervising the Bureau of Elections and conducting elections are  
14       hereby *amended* to reflect the transfer of said authority to the  
15       Administrator of Elections, including matters which pertain  
16       specifically to certifications and appeals.

17              (c) All statutory provisions *not* specifically addressed in this  
18       Act which refer to the Commission or which purport to assign  
19       authority to the Commission where such authority involves  
20       certifications and appeals are hereby *amended* to reflect the transfer  
21       of said authority to the Board of Canvass and Appeals.

22              (d) Upon the effective date of this Section the terms  
23       “Election Commission” and “Executive Director” shall *no* longer be  
24       used. The terms “Election Commission” and “Executive Director” as  
25       they are used in chapters 3 through 21 are *amended* to read:  
26       “Administrator of Elections,” “Board of Canvass and Appeals,” and  
27       “Bureau of Elections” as shown in Table 1 Terminology, attached.

1     **Section 21. Bureau of Elections as Successor to Election Commission.**

2             The Bureau of Elections is the successor to the Election Commission and  
3     accedes to the authority thereof and the responsibility for all matters relating to:

- 4             (1)    the operations, duties, responsibilities and of the Election  
5             Commission;  
6             (2)    pending proceedings of the Election Commission;  
7             (3)    books, files, records, & documents; and fixtures, furniture,  
8             office equipment & supplies used in facilitating operations of the  
9             Election Commission.

10            **Section 22. Commissioners to Serve as Members of the Board of**  
11 **Canvass and Appeals (BOCA).** Incumbent Election Commissioners on the  
12 effective date of this Section are hereby deemed members of the Board of Canvass  
13 and Appeals to serve terms of office coterminous with their respective terms as  
14 Commissioners.

15            **Section 23. Effective Dates: Certificate by Director of Administration.**

16            (a)    Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21,  
17            and 22 shall be effective fifteen (15) days after the Director of  
18            Administration files a certificate with the Secretary of *I Liheslaturan*  
19            *Guåhan* [Guam Legislature] and *I Maga'lahaen Guåhan* [Governor], and  
20            posted in accordance with §2111 of this Title that the Administrator of  
21            Elections has been selected and employed pursuant to §17 of this Act.

22            (b)    The Administrator of Elections shall file and report as required  
23            by §12 in of this Act accordance with §2103 of this Title.

**Table 1 Instructions and Terminology**

Table 1 lists and describes all the changes in terminology in Sections in Title 3 G.C.A. that are not specifically mentioned in the main

text of the bill. All the sections being amended are listed in the left hand column of Table 1.

Table A contains the term being amended followed by the number of times that term appears in the section. For example, in Section 3107, the term being amended is "Commission" and the word "Commission" appears twice in Section 3107. Therefore, Table A for Section 3107 reads: "Commission (1,2)."

Tables A, B and C state which new term will appear in the section being amended in place of the old term. For example, in Section 3107 again, there are two references to Commission. The first reference to "Commission" in 3107 is being amended to "Administrator of Elections" and the second reference to "Commission" in 3107 is being amended to "Board of Canvass and Appeals." Therefore, Table B reads "x(2)" and Table C reads "x(1)."

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 3102(a)	Commission (1,2,5,6,7), Commission's Executive Director (3,4)	x (6),	x (1,2,3,4,5,7)	
§ 3104	Commission		x	
§ 3105	Commission (1,2)	x (2)		x(1)
§ 3105.1	Commission		x	
§ 3106 (a)	Commission			x
§ 3107	Commission (1,2)	x (2)	x (1)	
§ 3109	Commission		x	
§ 3110 (a)	Commission (1,2,3)	x (2,3)	x (1)	
§ 3110 (b)	Commission (1,2)	x (1,2)		
§ 3111	Commission (1,2)	x (1,2)		
§ 3112	Commission			x
§ 3114	Commission (1,2)		x (1)	x (2)
§ 3116	Commission		x	

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 3117	Commission (1,2)	X (1,2)		
§ 3119	Election Commission		x	
§ 3120	Commission (1,2,3)		x (1,2,3)	
§ 3121	Commission		x	
§ 3122	Commission		x	
§ 3123	Commission		x	
§ 3124	Commission (1,2,3,4,5)		x (1,2,4,5)	x (3)
§ 3126	Commission (1,2)		x (1,2)	
§ 3127	Commission (1,2)		x (1,2)	
§ 3128	Commission		x	
§ 3129	Commission (1,2)	x (2)	x (1)	
§ 3130	Commission(1,2,3,4 ,5)		x (1,2,3,4,5)	
§ 3131	Commission		X	
§ 3132	Commission		X	
§ 3133	Commission		X	
§ 4101	Commission (1,2)	x (2)	x (1)	
§ 4102	Commission		x	
§ 4103	Commission (1,2)	x (2)	x (1)	
§ 4104	Commission (1,2)		x (1,2)	
§ 4105 (a)	Commission		x	
§ 4105 (b)	Commission		x	
§ 4105 (b) 4)	Commission	x		
§ 4107	Commission (1,2)		x (1,2)	
§ 4108	Commission (1,2)		x (1,2)	
§ 4109	Commission		x	
§ 4110	Commission	x (4)	x (1,2,3)	



	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
	(1,2,3,4)			
§ 4112	Commission		x	
§ 4113	Commission		x	
§ 4114	Commission		x	
§ 4116	Commission		x	
§ 5101	Commission	x		
§ 5103	Commission	x		
§ 5104	Commission		x	
§ 5105	Commission		x	
§ 6106	Commission (1), any member of a precinct board or election (2)	x (2)	x (1)	
§ 6108	Commission			x
§ 6109	Commission			x
§ 6110	Commission			x
§ 6111	Commission	x		
§ 6112	Commission (1,2,3)		x (3)	x (1,2)
§ 6113	Commission			x
§ 6114	Commission (1,2)		x (2)	x (1)
§ 7104	Commission	x		
§ 7105	Commission (1,2,3)		x (1,2,3)	
§ 7106	Commission	x		
§ 7107	Commission		x	
§ 7108	Commission	x		
§ 7109	Commission		X	
§ 7110	Commission	x		
§ 7111	Commission		X	
§ 7112	Commission (1,2)		x (1,2)	
§ 7114	Commission	x		

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 7115	Commission (1,2,3,4)	x (1,3,4)		x (2)
§ 7116	Commission	x		
§ 7117	Commission (1,2,3)	X (1,2)		x (3)
§ 8132	Commission (1,2,3,4,5)	x (1,2,3,4,5)		
§ 9102	Commission		X	
§ 9113	Commission	X		
§ 9120	Commission (1,2,3,4)	x (1,2,3,4)		
§ 9124	Commission		x	
§ 9124 (g)	Commission		x	
§ 9125 (d)	Commission		x	
§ 9128	Commission	x		
§ 9142 (b)	Commission		x	
§ 9146	Commission		x	
§ 9153	Commission (1,2,3)	x (2)	x (1,3)	
§ 10102 (a)	Commission (1,2)		x (1,2)	
§ 10103 (a)	Commission			x
§ 10103 (b)	Commission	x		
§ 10103 (c)	Commission	x		
§ 10104 (a)	Commission		x	
§ 10106	Commission		x	
§ 10107	Commission (1,2,3)		x (1,3)	x (2)
§ 10109	Commission (1,2,3)		x (1,2)	x (3)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 10113	Commission (1,2)		x (1,2)	
§ 10114	Commission			X(1,2)
§ 10115	Commission (1,2,3)		x (1)	x (2,3)
§ 10116	Commission (1,2,3)		x (1,2,3)	
§ 10118	Commission (1,2)			x(1,2)
§ 10121	Commission		X	
§ 10125	Commission		X	
§ 10128	Election Commission	x		
§ 11109	Commission		X	
§ 11110	Commission		X	
§ 11110.1	Commission (1)	x	x (2)	
§ 11112	Commission		X	
§ 11120	Commission (1)	x		
§ 11122	Commission (1,2,3,4)	x (1,2,3,4)		
§ 11123	Commission	x (1)	x (2)	
§ 11124	Election Commission (1,2)	x (1,2)		
§ 11126	Commission		X	
§ 11127	Commission	x		
§ 11128	Commission		X	
§ 11129	Commission		x	
§ 11130	Commission (1,2)	x		
§ 11131	Commission		x	
§ 11132	Commission	x		
§ 11133	Commission (1,2,3)	x (3)	x (1,2)	
§ 11133.1	Commission	x		
§ 11134	Commission (1,2)	x (1,2)		
§ 11135	Commission (1,2,3)	x (1,2,3)		

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 11136	Commission	x		
§ 11137	Commission	x		
§ 11139	Commission (1,2)		x (1,2)	
§ 12102 (f)	Commission	x		
§ 12117	Commission	x		
§ 12118	Commission	x		
§ 13103	Commission		x	
§ 13104	Guam Election Commission (1,2)	x (1,2)		
§ 13107	Commission (1,2)		x (1,2)	
§ 13108	Commission (1,2,3,4,5,6,7,8,9,10 )		x (1,2,3,4,5,6, 7,8,9,10)	
§ 13109	Commission (1,2,3)	x(1,2,3)		
§ 16101(a)	Commission	x		
§ 16105	Commission		x	
§ 16107	Commission (1,2)			x(1,2)
§ 16108	Commission	x		
§ 16108 (b)	Commission	x		
§ 16202	Commission (1,2)		x(1,2)	
§ 16203	Commission		x	
§ 16206	Election Commission (1,2)	x		
§ 16301	Guam Election Commission (1)	x		
§ 16301 (a)	Guam Election Commission			X

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 16301 (e)	Guam Election Commission		x	
§ 16301 (f)	Guam Election Commission	x		
§ 16301 (g)	Guam Election Commission			X
§ 16404 (c)	Commission	x		
§ 16405	Commission	x		
§ 16501	Commission	x		
§ 16504	Commission	x		
§ 17104 (a)	Election Commission	x		
§ 17104 (b)	Election Commission	x		
§ 17105	Election Commission (1,2,3)	x (1,2)		
§ 17106	Election Commission	x		
§ 17201	Election Commission (1,2)	x(1,2)		
§ 17203	Commission	x		
§ 17204	Commission	x		
§ 17206	Election Commission	x		
§ 17210	Election Commission (1,2,3)		x(1,2,3)	
§ 17211	Election Commission	x		
§ 17212	Commission (1,2,3,4,5,6,7,8)	x (1,2,5,6,7,8)		x(3,4)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 17301	Commission	x		
§ 17303	Election Commission	x		
§ 17304	Election Commission	x		
§ 17309	Election Commission (1,2,3)		x(1,2,3)	
§ 17310	Election Commission	x		
§ 17311	Election Commission (1,2,3,4,5)	x		
§ 17503	Election Commission			x
§ 17504	Election Commission	x		
§ 17505	Election Commission (1,2)	x		
§ 17507	Election Commission (1,2)	x(1,2)		
§ 17508	Election Commission		x	
§ 17510	Election Commission	x		
§ 17511	Election Commission		x	
§ 17512	Election Commission	x		
§ 17513	Election Commission	x		
§ 18101	Election Commission (1,2,3)	x(1,3)	x(2)	

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 19101 (d)	Election Commission	x		
§ 19102	Election Commission	x(1)		
§ 19102(a)	Election Commission (1,2,3)	x(3)	x(1,2)	
§ 19102 d	Election Commission	x		
§ 19103	Election Commission	x		
§ 19103.2	Election Commission	x		
§ 19108 (b)	Election Commission (1,2)	x(1,2)		
§ 19111	Election Commission	x		
§ 19112	Election Commission	x		
§ 19112.2	Guam Election Commission		x	
§ 19113	Commission (1,2)	x(1,2)		
§ 19114	Commission	x		
§ 19115 (b)	Commission	x		
§ 19116	Commission			x
§ 19118	Commission (1,2,3,4,5,6,7,8,9,10 ,11,12)	x(3,4,5,6,7,8,9, 10,11,12)	x(2)	x(1)
§ 20002	Commission (1,2,3,4)	x(1,2,3,4)		
§ 20004	Commission (1,2,3)	x(1,2,3)		

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 20005	Commission (1,2,3,4)	x(1,2,3,4)		
§ 20006	Commission (1,2,3)	x(1,2,3)		
§ 20007	Commission	x		
§ 20008	Commission (1,2,3,4,5)	x(1,2,3,4,5)		
§ 20010	Commission	x		
§ 20011	Commission	x		
§ 20015	Commission (1,2,3)	x(1,2,3)		
§ 20017	Commission	x		
§ 20021	Commission (1,2)	x(1,2)		
§ 20022	Commission (1,2,)	x(1,2)		
§ 20023	Commission	x		
§ 20024	Commission	x		
§ 20025	Commission (1,2)	x(1,2)		
§ 20026(a)	Commission	x		
§ 20027	Commission (1,2,3)	x(2)	x(1,3)	
§ 20028	Commission (1,2,3,4)	x(1,2,3,4)		
§ 20029	Commission	x(1)		
§ 20030	Commission (1,2,3)	x(1,2,3)		
§ 20031	Commission	x		
§ 21001	Commission (1,2,3,4)	x(1,2,3,4)		
§ 21002	Commission (1,2,3,4)	x(2,3,4)		x(1)
§ 21004	Commission (1,2,3)	x(2,3)		x(1)
§ 21005	Commission (1,2,3,4)	x(1,2,3,4)		



	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Section</b>	<b>Word in Code Section to be Amended</b>	<b>Board of Canvass and Appeals</b>	<b>Administrat or of Elections</b>	<b>Bureau of Elections</b>
§ 21006	Commission (1,2,3,4)	x(1,2,3,4)		
§ 21007	Commission	x		
§ 21008	Commission (1,2,3,4,5)	x(1,2,3,4,5)		
§ 21010	Commission	x		
§ 21011	Commission	x		
§ 21015	Commission (1,2,3)	x(1,2)		x(3)
§ 21017	Commission	x		
§ 21021	Commission (1,2)	x(1,2)		
§ 21022	Commission (1,2)	x(1,2)		
§ 21023	Commission		x	
§ 21024	Commission	x		
§ 21025	Commission		x	
§ 21026 (a)	Commission	x		
§ 21027	Executive Director of the Commission (1), Commission (2)	x(2)	x(1)	
§ 21028	Commission (1,2,3,4,5)	x(1,2,3,4,5)		
§ 21029	Commission	x		
§ 21030	Commission (1,2,3)	x(1,2,3)		
§ 21031	Commission	x		

6  
w/o engrossment

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 12/29/06

## VOTING SHEET

S Bill No. 383(EO)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					GA
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓	<del>B</del> ✓			
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)					GA
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LUJAN, Jesse A. *		* ✓			
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray		✓			
UNPINGCO, Antonio R. *		* ✓			
WON PAT, Judith T.	✓				

TOTAL

9      3      0      0      2

CERTIFIED TRUE AND CORRECT:

Gatrina A. Santos  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



# Bob's Office

*The Office of Senator Robert Klitzkie*

197 Hernan Cortes Ave., Suite A-1  
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

December 21, 2006

The Honorable Speaker Mark Forbes  
155 Hesler Place  
Hagatna, Guam 96910

RE: Committee Report – Bill 383 (LS)

Mr. Speaker:

Transmitted herewith for your consideration and action is the committee report on Bill 383EC), AN ACT TO AMEND TITLE 3, CHAPTER 1, § 1103 RELATIVE TO DEFINITIONS OF THE BOARD OF CANVASS & APPEALS (BOCA), BUREAU OF ELECTIONS, & ADMINISTRATOR OF ELECTIONS; TO REVISE ELECTION RULES & REGULATIONS; TO AMEND TITLE 3, CHAPTER 1, § 1111(b) RELATIVE TO FILING OF POLITICAL PARTIES WITH THE BUREAU OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 1, § 1117 RELATIVE TO APPROVAL OF TABULATING DEVICES; TO AMEND TITLE 3, CHAPTER 2, § 2101 RELATIVE TO THE COMPOSITION OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2102 RELATIVE TO THE POSITION OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2103 RELATIVE TO DUTIES OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2104 RELATIVE TO THE ELECTION MANUAL; TO AMEND TITLE 3, CHAPTER 2, § 2105 RELATIVE TO THE PROVISION OF ELECTION FORMS; TO AMEND TITLE 3, CHAPTER 2, § 2106 RELATIVE TO POWERS OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2107 RELATIVE TO CANDIDATE PLACEMENT ON BALLOT; TO AMEND TITLE 3, CHAPTER 7, § 7130 RELATIVE TO THE TABULATION OF BALLOTS; TO ADD A NEW § 7103.1 TO TITLE 3 G.C.A., CHAPTER 7 RELATIVE TO ELECTRONIC VOTING MACHINES; TO ADD A NEW § 2109 TO TITLE 3, CHAPTER 2 RELATIVE TO ASSIGNMENT OF EMPLOYEES OF THE BUREAU OF ELECTIONS; TO ADD A NEW SUBSECTION (k) TO TITLE 4, CHAPTER 4, § 4101 RELATIVE TO THE DUTIES OF THE DIRECTOR OF ADMINISTRATION CONCERNING THE BUREAU OF ELECTIONS; TO SECURE OFFICE SPACE FOR THE BUREAU OF ELECTIONS; TO ADD A NEW § 2110 TO TITLE 3, CHAPTER 2 RELATIVE TO TRANSPARENCY OF GUAM ELECTION PROCEDURES; TO ADD A NEW § 1120 TO TITLE 3, CHAPTER 1 RELATIVE TO TRANSFERRING OF AUTHORITY FROM THE ELECTION COMMISSION” AND THE “EXECUTIVE DIRECTOR” TO THE BOARD OF CANVASS AND APPEALS AND THE ADMINISTRATOR OF ELECTIONS IN CH. 3-21 IN TITLE 3; TO ESTABLISH THE BUREAU OF ELECTIONS AS THE SUCESSOR TO THE ELECTION COMMISSION; TO AUTHORIZE COMMISSIONERS TO SERVE AS MEMBERS OF THE BOARD OF CANVASS & APPEALS; TO MAKE VARIOUS PROVISIONS OF THIS ACT EFFECTIVE UPON THE FILLING OF A CERTIFICATE BY THE DIRECTOR OF ADMINISTRATION; AND TO ENACT THE GUAM ELECTION REFORM ACT OF 2007, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization.

The Committee votes are as follows:

\_\_\_\_\_ 6 \_\_\_\_\_ TO PASS

\_\_\_\_\_ 0 \_\_\_\_\_ NOT TO PASS

\_\_\_\_\_ 1 \_\_\_\_\_ TO REPORT OUT ONLY

0 ABSTAIN

0 INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at [bob@bobsoffice.org](mailto:bob@bobsoffice.org) or by phone at 472-9355.

Sincerely,

A handwritten signature in black ink, appearing to be "Bob", written over a circular stamp.

**Bob**

**Senator Robert Klitzkie, Chairman**

Committee on Judiciary, Governmental Operations & Reorganization



# Bob's Office

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December 19, 2006

Committee on Judiciary, Governmental  
Operations, & Reorganization  
155 Hesler Place Hagatna, Guam 96910

RE: Voting Sheet for Bill 383(EC)

Dear Members:

Transmitted herewith is the voting sheet and committee report on **Bill 383(EC)**, AN ACT TO AMEND TITLE 3, CHAPTER 1, § 1103 RELATIVE TO DEFINITIONS OF THE BOARD OF CANVASS & APPEALS (BOCA), BUREAU OF ELECTIONS, & ADMINISTRATOR OF ELECTIONS; TO REVISE ELECTION RULES & REGULATIONS; TO AMEND TITLE 3, CHAPTER 1, § 1111(b) RELATIVE TO FILING OF POLITICAL PARTIES WITH THE BUREAU OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 1, § 1117 RELATIVE TO APPROVAL OF TABULATING DEVICES; TO AMEND TITLE 3, CHAPTER 2, § 2101 RELATIVE TO THE COMPOSITION OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2102 RELATIVE TO THE POSITION OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2103 RELATIVE TO DUTIES OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2104 RELATIVE TO THE ELECTION MANUAL; TO AMEND TITLE 3, CHAPTER 2, § 2105 RELATIVE TO THE PROVISION OF ELECTION FORMS; TO AMEND TITLE 3, CHAPTER 2, § 2106 RELATIVE TO POWERS OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2107 RELATIVE TO CANDIDATE PLACEMENT ON BALLOT; TO AMEND TITLE 3, CHAPTER 7, § 7130 RELATIVE TO THE TABULATION OF BALLOTS; TO ADD A NEW § 7103.1 TO TITLE 3 G.C.A., CHAPTER 7 RELATIVE TO ELECTRONIC VOTING MACHINES; TO ADD A NEW § 2109 TO TITLE 3, CHAPTER 2 RELATIVE TO ASSIGNMENT OF EMPLOYEES OF THE BUREAU OF ELECTIONS; TO ADD A NEW 2110 TO TITLE 3, CHAPTER 2 RELATIVE TO THE STAFF OF THE BUREAU OF ELECTIONS; TO ADD A NEW SUBSECTION (k) TO TITLE 4, CHAPTER 4, § 4101 RELATIVE TO THE DUTIES OF THE DIRECTOR OF ADMINISTRATION CONCERNING THE BUREAU OF ELECTIONS; TO SECURE OFFICE SPACE FOR THE BUREAU OF ELECTIONS; TO ADD A NEW § 2110 TO TITLE 3, CHAPTER 2 RELATIVE TO TRANSPARENCY OF GUAM ELECTION PROCEDURES; TO ADD A NEW § 1120 TO TITLE 3, CHAPTER 1 RELATIVE TO TRANSFERRING OF AUTHORITY FROM THE ELECTION COMMISSION" AND THE "EXECUTIVE DIRECTOR" TO THE BOARD OF CANVASS AND APPEALS AND THE ADMINISTRATOR OF ELECTIONS IN CH. 3-21 IN TITLE 3; TO ESTABLISH THE BUREAU OF ELECTIONS AS THE SUCESSOR TO THE ELECTION COMMISSION; TO AUTHORIZE COMMISSIONERS TO SERVE AS MEMBERS OF THE BOARD OF CANVASS & APPEALS; TO MAKE VARIOUS PROVISIONS OF THIS ACT EFFECTIVE UPON THE FILLING OF A CERTIFICATE BY THE DIRECTOR OF ADMINISTRATION; AND TO ENACT THE GUAM ELECTION REFORM ACT OF 2007, as

substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature. Your attention to this matter is greatly appreciated.

Sincerely,

**Bob**

**Senator Robert Klitzkie, Chairman**

Committee on Judiciary, Governmental Operations,  
& Reorganization



# Committee on Judiciary, Governmental Operations, and Reorganization

*I Mina' Bente Ocho Na Liheslaturan Guahan*

Bill 383EC), AN ACT TO AMEND TITLE 3, CHAPTER 1, § 1103 RELATIVE TO DEFINITIONS OF THE BOARD OF CANVASS & APPEALS (BOCA), BUREAU OF ELECTIONS, & ADMINISTRATOR OF ELECTIONS; TO REVISE ELECTION RULES & REGULATIONS; TO AMEND TITLE 3, CHAPTER 1, § 1111(b) RELATIVE TO FILING OF POLITICAL PARTIES WITH THE BUREAU OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 1, § 1117 RELATIVE TO APPROVAL OF TABULATING DEVICES; TO AMEND TITLE 3, CHAPTER 2, § 2101 RELATIVE TO THE COMPOSITION OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2102 RELATIVE TO THE POSITION OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2103 RELATIVE TO DUTIES OF THE ADMINISTRATOR OF ELECTIONS; TO AMEND TITLE 3, CHAPTER 2, § 2104 RELATIVE TO THE ELECTION MANUAL; TO AMEND TITLE 3, CHAPTER 2, § 2105 RELATIVE TO THE PROVISION OF ELECTION FORMS; TO AMEND TITLE 3, CHAPTER 2, § 2106 RELATIVE TO POWERS OF THE BOARD OF CANVASS & APPEALS; TO AMEND TITLE 3, CHAPTER 2, § 2107 RELATIVE TO CANDIDATE PLACEMENT ON BALLOT; TO AMEND TITLE 3, CHAPTER 7, § 7130 RELATIVE TO THE TABULATION OF BALLOTS; TO ADD A NEW § 7103.1 TO TITLE 3 G.C.A., CHAPTER 7 RELATIVE TO ELECTRONIC VOTING MACHINES; TO ADD A NEW § 2109 TO TITLE 3, CHAPTER 2 RELATIVE TO ASSIGNMENT OF EMPLOYEES OF THE BUREAU OF ELECTIONS; TO ADD A NEW 2110 TO TITLE 3, CHAPTER 2 RELATIVE TO THE STAFF OF THE BUREAU OF ELECTIONS; TO ADD A NEW SUBSECTION (k) TO TITLE 4, CHAPTER 4, § 4101 RELATIVE TO THE DUTIES OF THE DIRECTOR OF ADMINISTRATION CONCERNING THE BUREAU OF ELECTIONS; TO SECURE OFFICE SPACE FOR THE BUREAU OF ELECTIONS; TO ADD A NEW § 2110 TO TITLE 3, CHAPTER 2 RELATIVE TO TRANSPARENCY OF GUAM ELECTION PROCEDURES; TO ADD A NEW § 1120 TO TITLE 3, CHAPTER 1 RELATIVE TO TRANSFERRING OF AUTHORITY FROM THE ELECTION COMMISSION" AND THE "EXECUTIVE DIRECTOR" TO THE BOARD OF CANVASS AND APPEALS AND THE ADMINISTRATOR OF ELECTIONS IN CH. 3-21 IN TITLE 3; TO ESTABLISH THE BUREAU OF ELECTIONS AS THE SUCESSOR TO THE ELECTION COMMISSION; TO AUTHORIZE COMMISSIONERS TO SERVE AS MEMBERS OF THE BOARD OF CANVASS & APPEALS; TO MAKE VARIOUS PROVISIONS OF THIS ACT EFFECTIVE UPON THE FILLING OF A CERTIFICATE BY THE DIRECTOR OF ADMINISTRATION; AND TO ENACT THE GUAM ELECTION REFORM ACT OF 2007.

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		X				
Speaker Mark Forbes, Member				✓		
Senator Jesse Lujan, Member		12/29/06				
Senator Adolpho Palacios, Member		12/29/06				
Senator Larry Kasperbauer, Ph. D., Member		X				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				