

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

**Bill No. 383 (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.**

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

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

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

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

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

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

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

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

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



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

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

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

**Section Seven. Administrator of Elections: Appointment, Ex-Officio Secretary, Salary.** Title 3, Chapter 2, § 2102 is amended to read:  
**"§ 2102. ~~Executive Director~~ Administrator of Elections, Appointment Of; Ex Officio Secretary of the ~~Commission~~ Board of Canvass and Appeals; Salary Of.**

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

(b) The ~~Executive Director~~ Administrator of Elections shall be the ex officio secretary for the ~~Commission~~ Board, but shall not be a voting member thereof. As such secretary, the ~~Executive Director~~ Administrator of Elections shall keep the minutes of the ~~Commission's~~ Board's proceedings, preserve all reports made to it, keep a record of all examinations held under 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~~ 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

(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 Eighteen. 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 Nineteen. 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 Board, the promulgation of rules and regulations governing the Bureau of Elections, the Administrator of Elections and the BOCA, 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**

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

“§ 1120. **Transfer of Authority.**

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

(b) All statutory provisions not specifically addressed in this Act which refer to the **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 *Liheslaturan Guåhan* [Guam Legislature] and *I Maga'lāhen 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),<br>Commission’s Executive<br>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)                             |                                   |                            |

|                | <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> |
| § 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<br>(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<br>(1,2,3)             | x(1,3)                              | x(2)                              |                            |
| § 19101 (d)    | Election Commission                        | x                                   |                                   |                            |
| § 19102        | Election Commission                        | x(1)                                |                                   |                            |
| § 19102(a)     | Election Commission<br>(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<br>(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)                            |                                   |                            |

|                | <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> |
| § 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                                   |                                   |                            |
| § 21000        | 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)                          |                                   |                            |
| § 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                                 |                            |



|                | <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> |
| § 21026 a      | Commission  | x                                   |                                   |                            |
| § 21027        | Executive Director of the Commission (1),<br>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)  | x(1,2)                              |                                   |                            |
| § 21031        | Commission  | x                                   |                                   |                            |

**Overview:**

The Committee on Judiciary, Governmental Operations, and Reorganization held a public hearing on Bill 383(EC) on November 27, 2006 at 9:00am in the Guam Legislature public hearing room in Hagatna, Guam. Notice of public hearing was disseminated throughout all local media.

**Senators present:**

Senator Robert Klitzkie, chairman  
Senator Adolpho Palacios, member  
Senator Larry Kasperbauer, member  
Senator Judith Won Pat

**Summary of testimony:**

- **Vicente Garrido** presented oral testimony in his personal capacity in support of Bill 383(EC). Mr. Garrido expressed concern about the Director of Administration having the authority to appoint the Administrator of Elections and recommended that the appointment be done by the governor and confirmed by the legislature. He continued to discuss electronic voting machines and suggested a 6 month to 1 year training for precinct officials prior to the handling of the machines. Mr. Garrido's final concern dealt with the rules and regulations governing the board members, specifically the certification process. He suggested that a board member be able to recuse himself from certifying candidates in cases which might be considered a conflict of interest.

- **Trini Torres** presented oral testimony in her personal capacity in support of Bill 383(EC). Ms. Torres believes that Bill 383 is a progressive measure in improving the election process on Guam. Her recommendations for Bill 383 were as follows:

1. All persons in the Guam Election Commission should be replaced and not merely transferred, including the Executive Director.
2. The position of Deputy Administrator of Elections should be created to supervise the handling and programming of the electronic voting machines.
3. All legal matters handled by the legal of counsel of the Bureau of Elections & Board of Canvass and Appeals should be referred to the attorney general for the final decision. Ms. Torres highlighted that this clause was eliminated during the renewal of the contract for the current legal counsel of the Guam Election Commission.
4. Remove the primary election from the jurisdiction and financial responsibility of the Administrator of Elections. Ms. Torres believes it should be the responsibility of the political parties.
5. No member of the board shall be a close relative of the governor.
6. Precinct officials should not be able to leave the tabulation center until the whole tabulation process has been completed.

- **Larry Ramirez**, board member of the Guam Election Commission, presented oral testimony in support of Bill 383(EC). Mr. Ramirez stated that his experience with the election process on Guam dates back to 1965 and that since then he has witnessed a significant difference in the way

elections are run. He believes that in order to provide for a successful process, the Organic Act, local law, and board policy need to be followed.

- **Joe Mesa** presented oral testimony in his personal capacity in opposition of Bill 383(EC) and explained that his association with election commission goes back 32 years in multiple capacities. Mr. Mesa stated that the Guam Election Commission (GEC) has enjoyed its autonomy for the past 32 years. While the proposed legislation creates the Administrator of Elections as a classified employee, he believes it is much more suitable as an unclassified position. He believes that Administrator of Elections should not be responsible to the Director of Administration as it appears in the bill. Mr. Mesa stated that the current make-up of the Commission works and has worked for the past 32 years. Additionally, he questions the provision of Bill 383 which authorizes a staff attorney. He stated that the current practice in place under the GEC to retain an attorney works and will be more cost effective in the long-run versus what is being proposed. Mr. Mesa stated that although the legislation is good, he does not believe that this is the right course of action to take at this time. He commented that the laws in place work, they just need to be followed and that it is the legislature's responsibility to find out why they weren't followed. He recommended a resolution, instead, to outline the concerns of the legislature and to require the Guam Election Commission to submit a report to the legislature in accordance with the law by June.

- **Roger Sardea** presented oral testimony in his personal capacity stating his support for Bill 383(EC). Mr. Sardea recommended that the responsibility of the primary elections be transferred to the parties, which he believes will result in government savings.

- **Carlo Branch** presented oral and written testimony in his personal capacity on Bill 383(EC). Mr. Branch stated that Bill 383 is more than a process change, but rather about the way people relate to the government that serves them. He asked the committee to protect the initiative process which he believes gives those willing to participate the power to make direct change.

- **Robert Benevaente** presented oral testimony in his personal capacity on Bill 383(EC). Mr. Benavente stated to the committee that his main concern is learning whether the proposed legislation will conflict in anyway with the Organic Act.

- **Edita Sardea** presented oral testimony in her personal capacity commending Senator Klitzkie for introducing Bill 383(EC).

- **Albert Topasna**, crime scene specialist and independent investigator, presented written testimony discussing election fraud and forgery. He submitted documents to the committee to support his testimony, which are attached.

### **Findings & recommendations:**

Bill 383(EC), also know as the Guam Election Reform Act of 2007, provides an overhaul to the current election structure by setting clearer functions and allowing for greater accountability of individuals involved in the election process.

The committee finds that through the creation of the Administrator of Elections, the Bureau of Elections, and the Board of Canvass and Appeals, as provided for in the proposed bill, the operational and appellate duties of the election process will be better defined for greater efficiency.

With Bill 383, the rules, regulations, and statutes governing the election process will undergo a comprehensive review and responsibilities will be assigned accordingly to establish the Administrator of Elections as the supervising position of the Bureau of Elections (the staff). Additionally, the Board of Canvass and appeals will become solely responsible for promulgating rules, hearing appeals, and certifying elections.

The committee finds that these changes to the current Guam Election Commission will establish a clear distinction between the operational procedures under the Administrator of Elections and the appellate duties under the responsibility of the Board of Canvass and Appeals. The proposed bill provides a measure to safeguard against the intermingling of the two duties and creates the much needed degree of accountability in the local election process.

Furthermore, the committee finds that a substitute bill is essential to include necessary amendments and technical corrections.

Section 14 of the bill, which deals with electronic voting machines, should be amended to allow for a "paper trail" as follows:

**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) 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."

Additionally, the committee finds that the following technical corrections need to be made in the substitute bill to provide for greater clarity:

1. Page 5, line 2, moved subsection (c) down to where it begins on line 3.
2. Page 6, line 22, insert "the Board" before "functions and duties."
3. Page 8, line 10, insert the word "them" before the words "by law."

4. Page 10, line 8, change the paragraph beginning with the words “on the petition” to subsection (d).
5. Change references to terminology in Table 1 in the following sections: 3105, 3107, 3111, 7109, 8132, 9142(c), 10103, 10107, 10116, 10118, 11120, 11133, 16301(b)(1), 17105, 17212, 19108(b), 20026(a), 21000, 21026(a), and 21030.
6. Revise instructions on how to use Table 1 as follows:

**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).”

Accordingly, the Committee on Judiciary, Governmental Operations, & Reorganization does hereby submit its findings and recommendation to **DO PASS 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, as substituted by the committee.



*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, & Reorganization  
& Committee on Calendar**

**AGENDA**

**Monday, November 27, 2006**

**Guam Legislature  
Public Hearing Room**

**9:00am – 5:00pm**

**Bill 370 (EC)** - An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam.

**Bill 375 (EC)** - An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act.

**Bill No. 381 (EC)** - An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website.

**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 Successor 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 Filing Of A Certificate By The Director Of Administration; And To Enact The Guam Election Reform Act Of 2007.

**Bill 390 (EC)** – An Act To Amend Title 4 G.C.A., Chapter 1, § 1103(c) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam.

Appointment of **Brett David Burnham** to the Guam Ethics Commission.

Appointment of David **Joseph Hahn** to the Guam Ethics Commission.

**Bill 388 (EC)** – An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet.

**For more information, please visit [www.bobsoffice.org/judiciary](http://www.bobsoffice.org/judiciary).**

**Written testimony can be submitted via e-mail to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

**For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**



**Committee on Judiciary, Governmental Operations & Reorganization & Calendar**  
**MINUTES**

**Public hearing date:** November 27, 2006

**Public hearing called to order by Chairman Klitzkie at 9:00am.**

**Senators present:**

Senator Robert Klitzkie  
Senator Adolpho Palacios, member  
Senator Larry Kasperbauer, member  
Senator Judith Won Pat

**Bill 370 (EC), An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam, heard at 9:03am.**

- Chief Justice F. Philip Carbullido of the Supreme Court presented oral testimony in opposition to Bill 370 (EC) at 9:04am.

\*Questions and comments presented to the panel by Senator Robert Klitzkie.

**Bill 381 (EC), An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website, heard at 9:06am**

- Chief Justice F. Philip Carbullido of the Supreme Court of Guam presented oral and written testimony in favor of Bill 381 (EC) at 9:06am.

- Justice Robert Torres of the Superior Court of Guam presented oral testimony in favor of Bill 381 (EC) at 9:10am.

\*Questions and comments presented to the panel by Senator Adolpho Palacios, Senator Larry Kasperbauer, Senator Robert Klitzkie, and Senator Judith Won Pat.

**Bill 390 (EC), An Act To Amend Title 4 G.C.A., Chapter 1, §1103(C) Relative To Applying The Prohibition Of Government Vehicles For Personal Use To The Presiding Judge Of The Superior Court Of Guam & The Chief Justice Of The Supreme Court Of Guam, heard at 9:33am.**

- Chief Justice F. Philip Carbullido of the Supreme Court of Guam presented oral testimony in favor of Bill 390 (EC) at 9:33am.

\*Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Adolpho Palacios, Senator Larry Kasperbauer, and Senator Judith Won Pat.

**Bill 388 (EC), An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet, heard at 9:42am.**

- Sergio Quenga, compiler of laws, presented oral testimony in favor of Bill 388 (EC) at 9:45am.
  - Justice Robert Torres, presented oral testimony in favor of Bill 388 (EC) at 9:45am.
  - Jacqueline Terlaje, legal representative for Data Management XXX, presented oral testimony in opposition of Bill 388 (EC) at 9:48am.
  - Chief Justice F. Philip Carbuillido of the Supreme Court of Guam presented oral testimony on Bill 388 (EC) at 10:07am.
  - Joann Muna, representative of the Human Relations Coordinating Council, presented oral testimony in favor of Bill 388 (EC) at 10:34am.
  - Trini Torres, Chamorro activist, presented oral testimony in favor of Bill 388 (EC) at 10:48am.
- \*Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Larry Kasperbauer, Senator Judith Won Pat, & Senator Adolpho Palacios.

**Chairman Klitzkie called a 5 minute recess at 10:55am.**

**Bill 375 (EC), An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act, was heard at 11:00am.**

- Luis Reyes, superintendent of the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:00am.
  - Kenneth Chargualaf, associate superintendent for the Secondary Education Division of the Guam Public School System, presented oral testimony at 11:02am.
  - Fred Nishihara, legal counsel for the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:09am.
  - Ramon T. Lizama, personnel services administrator of the Guam Public School System, presented oral testimony in favor of Bill 375 (EC) at 11:11am.
- \*Questions and comments presented to the panel by Senator Robert Klitzkie, Senator Larry Kasperbauer, and Senator Judith Won Pat.

**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 Successor 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 heard at 2:30pm.**

- Vicente Garrido presented oral testimony in his personal capacity in support of Bill 383 (EC) at 2:31pm.

- Trini Torres presented oral testimony in his personal capacity in support of Bill 383 (EC) at 2:35pm.

- Larry Ramirez, board member of the Guam Election Commission, presented oral testimony in support of Bill 383 (EC) at 2:45pm.

- Joe Mesa presented oral testimony in his personal capacity in opposition of Bill 383 (EC) at 3:01pm

- Roger Sardea presented oral testimony in his personal capacity in support of Bill 383 (EC) at 3:07pm.

- Carlo Branch presented oral and written testimony in his personal capacity on Bill 383 (EC) at 3:43pm.

- Robert Benevaente presented oral testimony in his personal capacity on Bill 383 (EC) at 3:47pm.

- Edita Sardea presented oral testimony in her personal capacity in support of Bill 383 (EC) at 4:04pm.

\*Questions and comments presented to the panel by Senator Robert Klitzkie.

**At 4:07pm Chairman Klitzkie adjourned the hearing to 9:00am on Tuesday, November 28, 2006 to hear the confirmations of Brett Burnham and David Hahn.**

**Declaration Under Penalty of Perjury of Audreya J.P. Taitano**

- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on 11/20/2006, 11/22/2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on 11/24/2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Calendar on 11/20/2006, 11/22/2006, & 11/24/2006.
- 7.) I e-mailed notice to Speaker Forbes on 11/20/2006, 11/22/2006, & 11/24/2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature ([www.guamlegislature.com](http://www.guamlegislature.com)), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on 11/20/2006, 11/22/2006, & 11/24/2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs were handled accordingly.
- 9.) I caused notice on [www.bobsoffice.org](http://www.bobsoffice.org), website for the Committee on Calendar, on 11/20/2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

**Declaration Under Penalty of Perjury**

**6 GCA Section 306**

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 18, 2006 on Guam by

  
Audreya J.P. Taitano (audi)

## APPENDIX A: NOTICE OF PUBLIC HEARING



### *I Mina' Bente Ocho Na Liheslaturan Guahan* **Committee on Judiciary, Governmental Operations, & Reorganization & Committee on Calendar**

## **NOTICE OF PUBLIC HEARING**

A public hearing will be held on Monday, November 27, 2006 in the Guam Legislature's public hearing room located at 155 Hesler Place in Hagatna. The public is invited to present oral and/or written testimony. The following bills will be heard:

**9:00am – 5:00pm**

**Bill 370 (EC)** - An Act To Amend To §4101(A) Of Title 4, Guam Code Annotated Relative To Adding One Additional Judge To The Superior Court Of Guam.

**Bill 375 (EC)** - An Act To Amend 4 G.C.A., § 8121(A), Relative To The Suspension Of Annuity Payments And Excepting Certified Augmentation Teaching Service Employees (Cats) From The Suspension; To Add A New 17 G.C.A., § 3103(Q) Relative To Promulgating Rules & Regulations For The Cats Act; To Add A New 17 G.C.A. § 3127 Relative To Establishing Definitions For The Cats Act; To Add A New 17 G.C.A. § 3128 Relative To Eligibility Criteria For Certified Temporary Employee Status; To Add A New 17 G.C.A. § 3129 Relative To The Certificate Of Necessity For The Employment Of Cats; To State A Finding Of The Impracticability Of Allowing Cats To Be Employed As Classified Employees; To Add A New 17 G.C.A. § 3130 Relative To The Maintenance Of An Employment Roster By The Superintendent; To Add A New 17 G.C.A. § 3131 Relative To The Replacement Of Cats By Certified Applicants; To Add A Sunset Provision Effective July 1, 2010; To Enact The Certified Augmentation Teacher Service (Cats) Act.

**Bill No. 381 (EC)** - An Act To Add Section 7122 To Chapter 7 Of Title 7, Guam Code Annotated, To Provide For The Appointment Of Magistrates; To Add Section 40.50(B) To Chapter 40 Of Title 8, Guam Code Annotated, Providing That Review Of Release Conditions Set By A Magistrate Shall Be Undertaken By A Judge Upon Application; To Amend Section 5501 Of Chapter 5a Of Title 19, Guam Code Annotated, To Provide For The Appointment Of Judicial Hearings Division Hearings Officers; To Provide For The Assignment Of Magistrates Or Judicial Hearings Division Hearings Officers To Satellite Facilities Of The Judiciary; To Provide For Promulgation Of Supreme Court Administrative Rules To Facilitate Implementation Of This Act And To Provide For Reporting Of Magistrate And Judicial Hearings Division Hearings Officer Data On The Supreme Court Website.

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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.

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Appointment of **Brett David Burnham** to the Guam Ethics Commission.

Appointment of David **Joseph Hahn** to the Guam Ethics Commission.

**Bill 388 (EC)** – An Act To Amend Title 1 G.C.A., Chapter 16, § 1603 To Allow The Compiler Of Laws To Provide A Searchable Database Via The Internet. (Testimony for Bill 388 can be emailed to [calendar@bobsoffice.org](mailto:calendar@bobsoffice.org))

**For more information, please visit [www.bobsoffice.org/judiciary](http://www.bobsoffice.org/judiciary).  
Written testimony can be submitted via e-mail to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).  
For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to [judiciary@bobsoffice.org](mailto:judiciary@bobsoffice.org).**

## APPENDIX B: MEDIA E-MAIL LISTING

| <p align="center"><b>Notice to all media :<br/>Outlet Managers, Publishers, Producers</b></p>  | <p align="center"><b>Notice to all media :<br/>News Directors, Editors, Reporters</b></p>  |
|--|--|
| <p><b><u>PRINT</u></b><br/> <b>Marianas Variety</b> – Amier Younis, Ops Mgr,<br/> amier@mvguam.com<br/> <b>Directions</b> – Jerry Roberts, Publisher,<br/> jroberts@directionsguam.com<br/> <b>Guam Business</b> – Steve Nygard, Publisher,<br/> snygard@glimpes.guam.net<br/> <b>Pacific Daily News</b> – Government Meetings Section<br/> life@guampdn.com<br/> <b>Marianas Business Journal</b> – Steve Nygard, Publisher,<br/> snygard@glimpes.guam.net<br/> <b>Guahan Magazine</b> – Carlene Cooper-Nurse, Publisher,<br/> carlene@guahanmagazine.com<br/> <b>Mabuhay News</b> – Ritchie Lim, Publisher, paciwire@ite.net<br/> <b>Mariana's Variety</b> – Ad Section, ads@mvguam.com</p> <p><b><u>TV</u></b><br/> <b>KUAM Ch. 8</b> – generalmanager@KUAM.com<br/> <b>KUAM Ch. 11</b> – generalmanager@KUAM.com<br/> <b>ABC 14</b> – David Larson, Gen Mgr, david@go14.tv<br/> <b>KGTF</b> – kgtf12@ite.net</p> <p><b><u>RADIO</u></b><br/> <b>K57</b> – Ray Gibson, General Mgr, rgibson@k57.com<br/> <b>Power98</b> – Roque Aguon, General Mgr,<br/> raguon@power98.com<br/> <b>105 Rock</b> – Albert Juan, General Mgr,<br/> ajuan@105therock.com<br/> <b>I-94 FM</b> – Fredalynn Mortera Hecita,<br/> fredalynn@kuam.com<br/> <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com<br/> <b>K-StereO</b> – Ed Poppe, General Mgr, ksto@ite.net<br/> <b>KISH (102.9 FM)</b> – Ed Poppe, General Mgr, ksto@ite.net<br/> <b>Hit Radio 100</b> – Vince Limuaco, Sales Mgr.,<br/> marketing@hitradio100.com<br/> <b>KPRG (89.3 FM)</b> – General Manager, kprg@guam.net<br/> Harvest Family Radio – khmg@harvestministries.net<br/> <b>KTKB</b> – ktkb@ktkb.com<br/> <b>KOLG 90.0 FM</b> – Contact, chuck@kolg.org<br/> <b>KTWG 800 AM</b> – Ops Mgr, Kleilani63@hotmail.com</p> | <p><b><u>PRINT</u></b><br/> <b>Pacific Daily News</b> – Rindraty Limtiaco, Exec. Editor,<br/> rlimtiaco@guampdn.com<br/> <b>Marianas Variety</b> – Mar-Vic Cagurangan,<br/> marvic@mvguam.com<br/> <b>Directions</b> – Gennette Quan, Editor,<br/> editor@directionsguam.com<br/> <b>Guam Business</b> – Maureen Maratita, Editor,<br/> mmaratita@glimpes.guam.net<br/> <b>Marianas Business Journal</b> – Maureen Maratita, Editor,<br/> mmaratita@glimpes.guam.net<br/> <b>Guahan Magazine</b> – Jayne Flores, Editor,<br/> jayne@guahanmagazine.com<br/> <b>Mabuhay News</b> – Ritchie Lim, Editor<br/> mabuhaynews@yahoo.com<br/> <b>Mariana's Variety</b> – Ad Section, ads@mvguam.com</p> <p><b><u>TV</u></b><br/> <b>KUAM Ch.8</b> – Sabrina Matanane, News Dir,<br/> Sabrina@KUAM.com<br/> <b>KUAM Ch. 11</b> – Sabrina Matanane, News Dir,<br/> Sabrina@KUAM.com<br/> <b>ABC 14 News</b> – John Anderson, News Director,<br/> jontalk@k57.com</p> <p><b><u>RADIO</u></b><br/> <b>I-94 FM</b> – Fredalynn Mortera Hecita, News (Radio)<br/> fredalynn@kuam.com<br/> <b>610 AM</b> – Ryan San Nicolas, ryan@kuam.com<br/> <b>K57, Power98, 105 Rock</b> – Patty Arroyo, News Director,<br/> parroyo@k57.com<br/> <b>K-StereO</b> – Jean Hudson, News Director, kstone@ite.net<br/> <b>KISH (102.9 FM)</b> – Jean Hudson, News Director,<br/> kstone@ite.net<br/> <b>Hit Radio 100</b> – Trina San Agustin, News Director,<br/> news@hitradio100.com</p> |

## APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman  
 Speaker Mark Forbes, Ex-Officio  
 Senator Jesse A. Lujan, Member  
 Senator Mike Cruz, Member  
 Senator Adolpho B. Palacios, Sr., Member

[bob@bobsoffice.org](mailto:bob@bobsoffice.org)  
[speakerforbes@yahoo.com](mailto:speakerforbes@yahoo.com)  
[jal@netpci.net](mailto:jal@netpci.net)  
[lk4kids@ite.net](mailto:lk4kids@ite.net)  
[patrickcepeda@hotmail.com](mailto:patrickcepeda@hotmail.com)

Committee on Judiciary, Government Operations, & Reorganization

Testimony on Bill 383  
November 27<sup>th</sup> 2006

For the record, my name is Carlo Branch and my testimony is on my behalf alone. Bill 383, as written is about more than a process change; it is about the way we as a people relate to the government that serves us.--it is about the voice of every person rich or poor, and the manner in which that voice is heard and counted.

A ballot cast, debate, disagreement, initiatives, and referenda are the tools we as a people have to effect political change—the ways we as an electorate stop being pundits and become political participants. This bill, like others before it, will see many changes in your Committee and on the floor, let those changes improve our people's ability to participate, not impede it.

In no uncertain terms, I ask you to protect the initiative process, and in so doing recognize our right to make government responsive to a people who may one day want a policy or law your successors are too afraid or self-interested to pass.



As you know, a democracy lasts only as long as there is faith in the system built to protect it. This is why I applaud your efforts to confront the many questions surrounding our election process--this is why I ask that you do all you can to protect the spirit of the election process as a whole; and this is why I know each of you will work to pass a law which protects our individual liberties.

Forty years ago, Robert Kennedy wrote:

The first element of individual liberty is the freedom of speech: the right to express and communicate ideas, to set oneself apart from the dumb beasts of field and forest; the right to recall governments to their duties and to their obligations; above all, the right to affirm one's membership and allegiance to the body politic -- to society -- to the men with whom we share our land, our heritage, and our children's future.

Hand in hand with freedom of speech goes the power to be heard, to share in the decisions of government, which shape men's lives. Everything that makes man's life worthwhile -- family, work, education, a place to rear one's children and a place to rest one's head -- all this depends on the decisions of government; all can be swept

away by a government which does not heed the demands of its people. Therefore, the essential humanity of man can be protected and preserved only where government must answer -- not just to the wealthy, not just to those of a particular religion, not just to those of a particular race, but to all of the people.

And even government by the consent of the governed, as in our own Constitution, must be limited in its power to act against its people, so that there may be no restriction on the freedom of men to seek education, or to seek work or opportunity of any kind, so that each man may become all that he is capable of becoming.

Initiatives specifically, and elections in general ensure that those willing to participate have the power to make direct change. There is," said an Italian philosopher "nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things." Yet this is the measure and the task of all generations, and the road is strewn with many dangers.

I am not a master of process legislation nor a master of legal minutia, but as a citizen of this country and a son of Guam I ask that though some have lobbied to end the initiative process in totality, or make it impossible in practice, you defend against any rider or backdoor amendment that would do so. I believe in this system, as many still do, but in the total sum of things belief in the system mean belief in you.



**ALBERT S. TOPASNA**  
CRIME SCENE SPECIALIST  
INDEPENDENT INVESTIGATOR  
P. O. BOX 3671, AGANA, GUAM 96932

TEL: (671) 565-5235  
PAGER: 476-6007  
FAX: \_\_\_\_\_

SUBJECT: WRITTEN TESTIMONY ON BILL 383  
ATTN: SEN. Bob Klitzkie; Committee on Judiciary, Govt. Ops and  
(ATTACHMENTS) Reorganization

**ALBERT S. TOPASNA**  
**CRIME SCENE SPECIALIST**  
**INVESTIGATOR**

**SENATOR AND COMMITTEE MEMBERS:**

My name is Albert S. Topasna, age 52. I reside in the village of Santa Rita. Presently, I am a private investigator. I have over 33 years of investigative experience. I am a forensic specialist in (5) forensic fields. My entire background is composed both in civil and criminal entities.

This testimony is presented in my written form as it reflects to this election year, the crop of election fraud and forgery. As my position is pledge, it is with great disappointment and experience that my conclusion on the 06 primary and general election is heavily precised to violation of law, fixer and criminal infiltration. In support of my position please examine the attachments. These supporting documents historically

**ALBERT S. TOPASNA**  
CRIME SCENE SPECIALIST  
INVESTIGATOR

sustain the continuity of official  
call-up by them on about the  
GEC suspects, headed by Mr.  
Gerry Tattono, as it is too obvious

My position emphasizes the professional  
element that qualifies (me) to operate  
my findings as it is preponderant  
to predictability, accuracy, scientific  
and contained to revealing the  
truth of every matter beyond a  
reasonable doubt. This representation  
is based on my expertise in doc-  
ument examination.

My profession as an independent entity  
may require my presentation of the  
evidence as it supports the element  
of proving fraud and forgery. Clearly,  
these supporting documents truthfully  
and accurately are consistent with  
my scientific position and testimony.  
I will be available for any ques-  
tion of need by your committee.

**ALBERT S. TOPASNA**  
CRIME SCENE SPECIALIST  
INVESTIGATOR

I think that the results of the investigation by the AG's, after each evidentiary element to the greatest violation of law and this all point to the 2002 elections as it resulted in questionable aspects and it confirms it's manifest of criminality.

Finally, the experience of sin, immorality, distrust, vengeance, all the result of a corrupt organization in which it compares to the human catastrophe at GAYANA, Jerry Jones at the helm.

I am personally insulted by the defiance of the democratic process and deceit of Guam's people. Removing the concern is legally as important as REDEFINING THE ELECTION BALLOT. Do not continue the so-called REVISION of the ballot process by the antics of Mr. Taitano and idiots.

This is hell and nothing worse. Albert S. Topasna



# EXHIBIT A

## OFFICIAL GENERAL ELECTION BALLOT

COMPARE THIS BALLOT TO THE KTEL  
BALLOT BY GEC

| A  | GUAM  | B                       | Rev 9/15/06 | C   | November 7, 2006     |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
|--|---|-------------------------|-------------|---|----------------------|--|---|---|--|---|--|--|---|---|---|---|--|---|---|---|---|---|---|--|---|--|--|--|--|---|--|--------------------------------|---|--------------------------------|--|--------------------------------|--------------------------------|---|--|
| <b>GOVERNOR AND LIEUTENANT GOVERNOR</b><br>MARK ONE (1) OVAL ONLY  |   |                         |             | <b>DIRECTIONS FOR GOVERNOR AND LIEUTENANT GOVERNOR</b><br>Vote for one (1) team only. Make this mark <input type="radio"/> in the oval. Vote for your write-in team by marking the oval, e.g., <input type="radio"/> and by writing the team of your choice on the line. If you mark more than one (1) team, your vote will not be counted. If you make a mistake, ask for a new ballot.                        |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>MAGA'LAHI YAN SIGUNDO MAGA'LAHI</b><br>MATKA UNU (1) HA' NA UBALAO  |   |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <table border="0"><tr><td><b>REPUBLICAN</b></td><td><b>DEMOCRAT</b></td></tr><tr><td><input type="radio"/> CAMACHO, Felix P. &amp; CRUZ, Mike M.D.<br/>TOGETHER WE'RE STRONGER</td><td><input type="radio"/> UNDERWOOD, Robert A. &amp; AGUON, Frank Blas Jr.<br/>LEADERSHIP FOR CHANGE</td></tr><tr><td><input type="radio"/> Write-in</td><td><input type="radio"/> Write-in</td></tr></table>   |   |                         |             | <b>REPUBLICAN</b>   | <b>DEMOCRAT</b>      | <input type="radio"/> CAMACHO, Felix P. & CRUZ, Mike M.D.<br>TOGETHER WE'RE STRONGER | <input type="radio"/> UNDERWOOD, Robert A. & AGUON, Frank Blas Jr.<br>LEADERSHIP FOR CHANGE | <input type="radio"/> Write-in                                    | <input type="radio"/> Write-in                           | <b>DIREKSION PARA I MAGA'LAHI YAN SIGUNDO MAGA'LAHI</b><br>Bota unu (1) ha' na pat. Matka taiguini <input type="radio"/> gi ubalao. Bota i pat na un luge na inayek-mu ya un matka taiguini <input type="radio"/> gi ubalao. Despues, tuge i na an-hi gi raya. Yanggen un bota mas di unu (1) na pat, ti u ma kuenta i botu-mu, Yanggen lachi hao, fanggagao nuebu na balotu. |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>REPUBLICAN</b>  | <b>DEMOCRAT</b>   |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> CAMACHO, Felix P. & CRUZ, Mike M.D.<br>TOGETHER WE'RE STRONGER   | <input type="radio"/> UNDERWOOD, Robert A. & AGUON, Frank Blas Jr.<br>LEADERSHIP FOR CHANGE |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> Write-in   | <input type="radio"/> Write-in  |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>DELEGATE TO THE HOUSE OF REPRESENTATIVES</b><br>MARK ONE (1) OVAL ONLY  |   |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>DILIGADU PARA GUMA' RIPRISENTASION</b><br>MATKA UNU (1) HA' NA UBALAO   |   |                         |             | <b>DIRECTIONS FOR DELEGATE TO THE HOUSE OF REPRESENTATIVES</b><br>Vote for one (1) candidate only. Make this mark <input type="radio"/> in the oval. Vote for your write-in candidate by marking the oval, e.g., <input type="radio"/> and by writing the name of your choice on the line. If you mark more than one (1) candidate, your vote will not be counted. If you make a mistake, ask for a new ballot. |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <table border="0"><tr><td><b>REPUBLICAN</b></td><td><b>DEMOCRAT</b></td></tr><tr><td><input type="radio"/> Write-in</td><td><input type="radio"/> BORDALLO, Madeline Z.<br/>Incumbent</td></tr><tr><td><input type="radio"/> Write-in</td><td><input type="radio"/> Write-in</td></tr></table>   |   |                         |             |   |                      | <b>REPUBLICAN</b>  | <b>DEMOCRAT</b>   | <input type="radio"/> Write-in                                    | <input type="radio"/> BORDALLO, Madeline Z.<br>Incumbent | <input type="radio"/> Write-in  | <input type="radio"/> Write-in   |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>REPUBLICAN</b>  | <b>DEMOCRAT</b>   |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> Write-in   | <input type="radio"/> BORDALLO, Madeline Z.<br>Incumbent                                    |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> Write-in   | <input type="radio"/> Write-in  |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>LEGISLATURE</b><br>MARK NO MORE THAN FIFTEEN (15) OVALS   |   |                         |             | <b>DIREKSION PARA I DILIGADU PARA GUMA' RIPRISENTASION</b><br>Bota unu (1) ha' na kandidatu. Matka taiguini <input type="radio"/> gi ubalao. Bota i kandidatu na un luge na inayek-mu ya un matka taiguini <input type="radio"/> gi ubalao. Despues, tuge i na an gi raya. Yanggen un bota mas di unu (1) na kandidatu, ti u ma kuenta i botu-mu. Yanggen lachi hao, fanggagao nuebu na balotu.                 |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>LIHESLATURA</b><br>MUNGGA MA MATKA MAS DI KINSE (15) NA UBALAO  |   |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <table border="0"><tr><td><b>REPUBLICAN</b></td><td><b>DEMOCRAT</b></td></tr><tr><td><input type="radio"/> 1 MESA, Joseph F.<br/>Joe "Doing it Right"</td><td><input type="radio"/> 1 GUTHERTZ, Judith Paulette<br/>(Dr. Judith GORDON Chief)</td></tr><tr><td><input type="radio"/> 2 TENORIO, Ray<br/>Incumbent "Tenorio Works"</td><td><input type="radio"/> 2 CHARGUALAF, Jose S.N.<br/>"Mr. C"</td></tr><tr><td><input type="radio"/> 3 SOUZA, Sam Mabini<br/>(Sam Mabini Souza)</td><td><input type="radio"/> 3 SHIMIZU, David L.G. (DR.)<br/>Yorinok yan Kacha</td></tr><tr><td><input type="radio"/> 4 ESPALDON, Jim V.<br/>"Your Voice"</td><td><input type="radio"/> 4 WON PAT, Judith T. Perez<br/>Incumbent "Jud"</td></tr><tr><td><input type="radio"/> 5 TAITAGUE, Telo T.<br/>"Familian Pomperu"</td><td><input type="radio"/> 5 RESPICIO, Rory J.<br/>Incumbent (KAKAROTEMANLEY)</td></tr><tr><td><input type="radio"/> 6 FORBES, Mark<br/>Incumbent</td><td><input type="radio"/> 6 PANGELINAN, Vicente<br/>ben</td></tr><tr><td><input type="radio"/> 7 CALVO, Edward J.B.<br/>Incumbent "Eddie"</td><td><input type="radio"/> 7 SABLAN, Angel Reyes<br/>"Deda-Chungo-Gojo"</td></tr><tr><td><input type="radio"/> 8 UNPINGCO, Antonio Reyes<br/>Incumbent "Tony"</td><td><input type="radio"/> 8 MUNA-BARNES, Tina Rose<br/>(Che/inda Pungco)</td></tr><tr><td><input type="radio"/> 9 GAZA, Victor A.<br/>VOTE VIC</td><td><input type="radio"/> 9 TERLAJE, Jose Toves<br/>"Mayor PEDO"</td></tr><tr><td><input type="radio"/> 10 LUJAN, Jesse A.<br/>Incumbent "I Stand With You"</td><td><input type="radio"/> 10 DUENAS, Dave R.<br/>Familian Oling/inchic</td></tr><tr><td><input type="radio"/> 11 ISHIZAKI, Frankie T.<br/>Chief of Police</td><td><input type="radio"/> 11 HERNANDEZ, Romeo<br/>Meno "Back to the People"</td></tr><tr><td><input type="radio"/> 12 BLAS, Frank Flores Jr.<br/>Securing Your Future!</td><td><input type="radio"/> 12 PARKINSON, Don<br/>Pugua</td></tr><tr><td><input type="radio"/> 13 DUENAS, Christopher M.<br/>"CO"</td><td><input type="radio"/> 13 SANTOS, Angela L.G.</td></tr><tr><td><input type="radio"/> Write-in</td><td><input type="radio"/> 14 PALACIOS, Adolpho Borja<br/>Incumbent "Working Senator"</td></tr><tr><td><input type="radio"/> Write-in</td><td><input type="radio"/> 15 TORRES, Trinidad T.<br/>Pamparu Abaroa Borja</td></tr><tr><td><input type="radio"/> Write-in</td><td><input type="radio"/> Write-in</td></tr></table> |   |                         |             | <b>REPUBLICAN</b>   | <b>DEMOCRAT</b>      | <input type="radio"/> 1 MESA, Joseph F.<br>Joe "Doing it Right"                      | <input type="radio"/> 1 GUTHERTZ, Judith Paulette<br>(Dr. Judith GORDON Chief)              | <input type="radio"/> 2 TENORIO, Ray<br>Incumbent "Tenorio Works" | <input type="radio"/> 2 CHARGUALAF, Jose S.N.<br>"Mr. C" | <input type="radio"/> 3 SOUZA, Sam Mabini<br>(Sam Mabini Souza)   | <input type="radio"/> 3 SHIMIZU, David L.G. (DR.)<br>Yorinok yan Kacha | <input type="radio"/> 4 ESPALDON, Jim V.<br>"Your Voice" | <input type="radio"/> 4 WON PAT, Judith T. Perez<br>Incumbent "Jud" | <input type="radio"/> 5 TAITAGUE, Telo T.<br>"Familian Pomperu" | <input type="radio"/> 5 RESPICIO, Rory J.<br>Incumbent (KAKAROTEMANLEY) | <input type="radio"/> 6 FORBES, Mark<br>Incumbent | <input type="radio"/> 6 PANGELINAN, Vicente<br>ben | <input type="radio"/> 7 CALVO, Edward J.B.<br>Incumbent "Eddie" | <input type="radio"/> 7 SABLAN, Angel Reyes<br>"Deda-Chungo-Gojo" | <input type="radio"/> 8 UNPINGCO, Antonio Reyes<br>Incumbent "Tony" | <input type="radio"/> 8 MUNA-BARNES, Tina Rose<br>(Che/inda Pungco) | <input type="radio"/> 9 GAZA, Victor A.<br>VOTE VIC | <input type="radio"/> 9 TERLAJE, Jose Toves<br>"Mayor PEDO" | <input type="radio"/> 10 LUJAN, Jesse A.<br>Incumbent "I Stand With You" | <input type="radio"/> 10 DUENAS, Dave R.<br>Familian Oling/inchic | <input type="radio"/> 11 ISHIZAKI, Frankie T.<br>Chief of Police | <input type="radio"/> 11 HERNANDEZ, Romeo<br>Meno "Back to the People" | <input type="radio"/> 12 BLAS, Frank Flores Jr.<br>Securing Your Future! | <input type="radio"/> 12 PARKINSON, Don<br>Pugua | <input type="radio"/> 13 DUENAS, Christopher M.<br>"CO" | <input type="radio"/> 13 SANTOS, Angela L.G. | <input type="radio"/> Write-in | <input type="radio"/> 14 PALACIOS, Adolpho Borja<br>Incumbent "Working Senator" | <input type="radio"/> Write-in | <input type="radio"/> 15 TORRES, Trinidad T.<br>Pamparu Abaroa Borja | <input type="radio"/> Write-in | <input type="radio"/> Write-in | <b>DIREKSION PARA I LIHESLATURA</b><br>Mungga ma bota mas di kinse (15) na kandidatu. Yanggen un matka mas di kinse (15) na kandidatu ti u ma kuenta i botu-mu. Matka taiguini <input type="radio"/> gi ubalao. Bota i kandidatu na un luge na inayek-mu ya un matka taiguini <input type="radio"/> gi ubalao. Despues, tuge i na an gi raya. Yanggen lachi hao, fanggagao nuebu na balotu. |  |
| <b>REPUBLICAN</b>  | <b>DEMOCRAT</b>   |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 1 MESA, Joseph F.<br>Joe "Doing it Right"  | <input type="radio"/> 1 GUTHERTZ, Judith Paulette<br>(Dr. Judith GORDON Chief)              |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 2 TENORIO, Ray<br>Incumbent "Tenorio Works"  | <input type="radio"/> 2 CHARGUALAF, Jose S.N.<br>"Mr. C"                                    |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 3 SOUZA, Sam Mabini<br>(Sam Mabini Souza)  | <input type="radio"/> 3 SHIMIZU, David L.G. (DR.)<br>Yorinok yan Kacha                      |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 4 ESPALDON, Jim V.<br>"Your Voice"   | <input type="radio"/> 4 WON PAT, Judith T. Perez<br>Incumbent "Jud"                         |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 5 TAITAGUE, Telo T.<br>"Familian Pomperu"  | <input type="radio"/> 5 RESPICIO, Rory J.<br>Incumbent (KAKAROTEMANLEY)                     |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 6 FORBES, Mark<br>Incumbent  | <input type="radio"/> 6 PANGELINAN, Vicente<br>ben  |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 7 CALVO, Edward J.B.<br>Incumbent "Eddie"  | <input type="radio"/> 7 SABLAN, Angel Reyes<br>"Deda-Chungo-Gojo"                           |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 8 UNPINGCO, Antonio Reyes<br>Incumbent "Tony"  | <input type="radio"/> 8 MUNA-BARNES, Tina Rose<br>(Che/inda Pungco)                         |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 9 GAZA, Victor A.<br>VOTE VIC  | <input type="radio"/> 9 TERLAJE, Jose Toves<br>"Mayor PEDO"                                 |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 10 LUJAN, Jesse A.<br>Incumbent "I Stand With You"   | <input type="radio"/> 10 DUENAS, Dave R.<br>Familian Oling/inchic                           |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 11 ISHIZAKI, Frankie T.<br>Chief of Police   | <input type="radio"/> 11 HERNANDEZ, Romeo<br>Meno "Back to the People"                      |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 12 BLAS, Frank Flores Jr.<br>Securing Your Future!   | <input type="radio"/> 12 PARKINSON, Don<br>Pugua  |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> 13 DUENAS, Christopher M.<br>"CO"  | <input type="radio"/> 13 SANTOS, Angela L.G.  |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> Write-in   | <input type="radio"/> 14 PALACIOS, Adolpho Borja<br>Incumbent "Working Senator"             |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> Write-in   | <input type="radio"/> 15 TORRES, Trinidad T.<br>Pamparu Abaroa Borja                        |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <input type="radio"/> Write-in   | <input type="radio"/> Write-in  |                         |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <table border="0"><tr><td><b>Type I Front</b></td><td><b>All Precincts</b></td><td><b>ESS 001 thru 053</b></td></tr></table>   |   |                         |             | <b>Type I Front</b>   | <b>All Precincts</b> | <b>ESS 001 thru 053</b>  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |
| <b>Type I Front</b>  | <b>All Precincts</b>  | <b>ESS 001 thru 053</b> |             |   |                      |  |   |   |  |   |  |  |   |   |   |   |  |   |   |   |   |   |   |  |   |  |  |  |  |   |  |                                |   |                                |  |                                |                                |   |  |

9-18-06  
COPY  
GOVERNOR  
#

## DOCUMENT EXAMINATION REPORT

TO: SPECIAL AGENT

Kevin Peterson

Guam F.B.I. Office

Douglas Moylan

ATTORNEY GENERAL

Guam, U.S.A.

SUBJECT: 2006 Primary Election Ballot Report on  
Criminal/Civil Fraud & Forgery Request for  
Investigation

### Special Notation

Sample ballots and the electoral ballots must be compared in form and exhibits for comparison purposes. This is a limited documentary analysis that can only be testimonial by an expert document examiner and investigator.

The so-called SECRET ELECTION CODE by Gerry Taitano must be identified to prove that there is a difference of coding on every sample ballot as compared to the electoral ballot issued on Election Day, Sep. 2, 2006 to the voters of Guam. The amount of 60,000 ballots printed should also be discussed as per the possible audit. Fifty-three thousand plus voters registered this primary. Thirty-



seven thousand plus voters voted this primary. The main explanation of why 60,000 ballots were printed, the question of where and how many ballots accounted for continue to exists in audit and a reflection of correct accountability as of this date, Sep. 17, 2006.

This is my contention and the people of Guam deserve to know the real truth as it may contrast to the 2002 electoral process. I see a continuity of conspiracy that only Mr. Taitano can justify the truth or as we all know the ill consequence that made the people of Guam angry, frustrated, mad and divided.

A handwritten signature in black ink that reads "Albert S. Topasna". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Albert S. Topasna  
Investigator

(HAND DELIVERED)

OCT. 17, 2006

KEVIN E. RICKETT  
SUPERVISORY SR. RES. AGENT  
GUAM FBI FIELD OFFICE

SUBJECT: SUNSHINE ACT: REQUEST  
FOR INFORMATION

DEAR MR. RICKETT,

This request references your file  
no. 194-C, my complaint dated  
9-7-06 and 9-18-06 received by  
S/A Kevin Petersen.

This request is made for infor-  
mation pursuant to subject app-  
licable governing local and fed-  
eral laws. I respectfully request  
any/all correspondence, letters, mem-  
orandums, request for review or

or related administrative information, etc. which includes or includes S/A Kevin Peterson and the inclusion of all matters by the U.S. Attorney's office in its capacity as reviewer as interpreted by reference of your Oct. 2, 2006 memorandum.

Quick, expeditious, timely response to this request would be greatly appreciated. Pls. address all responses to my address below.

Respectfully,  
Albert S. Topano

P.O. Box 3671  
Agana, Guam 96932

Tel: 671-777-0786 (cell)

# MEMORANDUM

LEONARDO RAPADAS  
UNITED STATES ATTORNEY  
AGANA, GUAM

SUBJECT: SUNSHINE ACT;  
REQUEST FOR INFORMATION  
FBI FILE NO: 194-C

DEAR U.S. ATTORNEY,

Request made for information pursuant to subject applicable governing local and federal F.O.I.A. policy, for any and all information respecting any and all correspondence, letters, memorandums, requests and or administrative information, etc., any and all correspondences made by the Guam F.B.I. office relative to the follow up, interpretation, any

and all matters pertaining to my  
2006 primary election complaint. S/A  
Kevin Peterson of the F.B.I. had  
transmitted via telephone to me  
that your office is reviewing and  
had completed its evaluation of my  
complaint. Pls. send all responses  
to my official address as indicated.

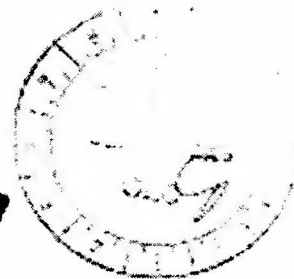
Respectfully,  
Albert S. Tapana

DATE: OCT. 17, 2006  
5:00 P.M.

COPY TO: \_\_\_\_\_  
DATE: \_\_\_\_\_

COPY  
GOVERNOR  
9-18-06

ELECTION  
COMMISSION



RECEIVED  
LAW OFFICES OF  
HORECKY & ASSOCIATES  
Date: 9/7/06  
Time: 11:22am By: [Signature]



Atty. Horecky

YANKEE'S SEARCH COMPANY  
ATTORNEY AT LAW

RECEIVED  
my 9/11/06  
12:55pm

ALBERT S. TOPASNA  
CRIME SCENE SPECIALIST  
INDEPENDENT INVESTIGATOR  
P.O. BOX 3471, AGANA, GUAM 96932

FBI

FBI  
Guam Resident Agency  
400 Agaña B. Suite 402  
Mongmong, Guam 96927-2013

TEL: (671) 545-5235  
FAX: 476-6007

SUBJECT: GEC Complaint 9-7-06

- ① COM-PMH
- ② - MUN
- ③ - KUAM



# GUAM ELECTION COMMISSION

Kumision Eleksion Guahan

P.O. Box 80 • Hagaña, Guam 96932

Tel: (671) 477-4751 • Fax: (671) 477-1895

E-Mail: [gec@guam.net](mailto:gec@guam.net) Website: [www.guamelection.org](http://www.guamelection.org)



## Administrative Complaint Form

Please Type or Print all of the information on this form

### Section 1 - Your Personal Information

Last Name: TOPASNA First Name: ALBERT M.I.: S.  
 Address: P.O. Box 3671  
 City: AGANA State: GUAM Zip Code: 96932  
 Day Phone: 777-0786 Evening Phone: 565-5235 Fax No: NONE

### Section 2 - Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

#### Guam Law Violations

- |  |  |
|--|--|
| <input type="checkbox"/> I was not allowed to vote in private.   | <input type="checkbox"/> I did not observe a sample ballot at the polls.                               |
| <input type="checkbox"/> I was not allowed to turn in my absentee ballot.  | <input type="checkbox"/> I observed the marking of a fraudulent vote.                                  |
| <input type="checkbox"/> I was not allowed to ask questions or ask for assistance.                               | <input type="checkbox"/> My polling place was not open on time, or not at all.                         |
| <input type="checkbox"/> I was not allowed to vote, even though I was standing in line before the polls closed.  | <input type="checkbox"/> I observed pollworkers acting or saying something discriminatory.             |
| <input type="checkbox"/> I was not able to vote because I was not given assistance to accommodate my disability. | <input type="checkbox"/> I observed inappropriate staff/wearing or campaigning too close to the polls. |
| <input type="checkbox"/> I was not able to vote because I was not given assistance in my own language.           | <input type="checkbox"/> I was not allowed to re-vote after I made a mistake.                          |
| <input type="checkbox"/> I was not provided election materials in my own language.                               | <input type="checkbox"/> I observed precinct officers neglecting to perform their duties.              |
| <input type="checkbox"/> My voter registration information was abused.   |  |
| <input type="checkbox"/> Other Guam Law violation: <u>(SEE ATTACHED MEMO)</u>                                    |  |

#### Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- |  |   |
|--|---|
| <input type="checkbox"/> I was not allowed to vote using a provisional ballot.                                   | <input type="checkbox"/> Provisions regarding verification of new voter registration were not followed. |
| <input type="checkbox"/> Required voting information was not publicly posted in a polling place on Election Day. | <input type="checkbox"/> I was not able to determine whether my provisional ballot was counted.         |
| <input type="checkbox"/> Other Federal Law Violation: <u>(SEE ATTACHED MEMO)</u>                                 |   |

Continue on Reverse Side

(Rev 4/02)

# MEMORANDUM OF COMPLAINT

GUAM ELECTION COMMISSION  
P.O. Box BG, AGANA, GUAM  
96932

RE: COMPLAINT AND INQUIRY

LADIES AND GENTLEMEN OF THE  
GUAM ELECTION COMMISSION,

With all due respect, I allow me to introduce myself. My name is Albert J. Topasna, my DOB is 9-11-54. I am presently a private investigator and a researcher as supported in my licensing authority with Revenue and Taxation, Government of Guam.

## BASIS OF COMPLAINT

I have filled in the Admin's structured Complaint form as format and as required policy.



A concerted effort on this/your  
(2) subjects also important sub-  
jects i.e. to be Guam Law  
violations and Federal Law  
violations. Neither one of these  
sub topics applies to my main  
allegation, intention and cri-  
teria as it relates to any  
or if any violation of law.

## DISCUSSION ON: P.F. 107-252, HELP AMERICA VOTE ACT

Your legal responsibility as  
commission members and my  
inclusion as a private citizen  
and US citizen that purports to  
formal investigation and inquiry  
into the actions and said ac-  
tivities that may impact on you  
retroactively and may compromise  
susceptibility in your legal  
position according to law. This  
also includes the Counsel of the  
present commission.

## QUESTIONS FOR THE COMMISSION TO ADDRESS AND MR. FRED HORECKY TO RESPOND FOR THE RECORD:

- ① Mr. Garry Taitano's position as the Chairman of GEL, who heatedly contends that he is legally the only individual to know what is i.d. to be THE SECRET ELECTION / BALLOTING CODE?
- ② How is this position addressed?
- ③ What is "really" THE SECRET CODE?
- ④ Who determines the ballot format and preparation?
- ⑤ What significance is the "SECRET CODE" to the law and in MR. Taitano's absence?
- ⑥ By examining Exhibit A and B, how do you explain voiding a ballot when both A and B are on the document?

3.

David

⑦ On either side, A or B, if you have a VOID due to a cross-out, how do you resolve or validate which is which and if the same document or exhibit is free of void, how and to what extent is this vote counted?

⑧ My next concern is the identification of the Ballot Stock Code. Why is the coding system, note exemplified in the sample ballot? If the logic of a SAMPLE BALLOT truly represents the genuine ballot used on 9-2006? How accurate are the village issued codes? (see exhibit D)

⑨ Why is Alicia Limtiaco print (font) style on exhibit B different in the sample ballot which appear lighter in ink impression?

⑩ How many ballots were printed with Ballot Stock Code inscribed?

4. ⑪ How many ballots were printed or compared to the no. of registered voters?

- ⑫ As per my request, can the commission the following:
- a. total ballots used?
  - b. total ballots voided?
  - c. voided by machine (electronic)?
  - d. examined by human at resolution level?
  - e. total no. of voters to include absentee?
  - f. do all ballots have stock coding?
  - g. if not, why?

⑬ How many ballots were printed for this primary?

⑭ If audit is necessary, how many spoiled ballots to include coded or non-coded (stock no's) were classified as legally spoiled?

⑮ On Exhibit A and B what do the black squares represent?

⑯ As far as the ballots issued on 9-2-96 primary, are the numerical system visible and what this format represent?



If 6000 ballots were printed and 53,000 irregular votes accounted for the computer process all 6000 supposedly good coded and distinguished by village?

(2) Were all the ballots machine counted? according to account race-in (3) sections?

(20) Who specified "DESIGNED" the ballots? and are they represented accordingly?

(19) Are the color codes as well as the ballot colors accurately displayed?

(18) Shouldn't the Washington delegates that are targeted as guilty or the non-filled Republican ballots?

legislative column that was not printed and for one document purpose?

(17) If the Washington delegates is not contested, what committee can you make or delete or it compare to the

## CONCLUSION:

As we continue to view and accept the positive image from those whom we trust, I think that the GEC member is obligated to respond to my call for help.

Perhaps an investigation into these improprieties by GAO, FBI and the AGO will finally put us these illegal and tortuous acts against the people of Guam.

RESPECTFULLY,  
Alfred J. Toposna  
Investigator

# SAMPLE PRIMARY ELECTION BALLOT

| A   | B | C   |
|---|---|---|
| <p>YOU MAY VOTE FOR CANDIDATES OF ONE (1) PARTY ONLY. DO NOT CROSS OVER. IF YOU VOTE FOR CANDIDATES OF MORE THAN ONE (1) PARTY FOR ANY OFFICE APPEARING ON EITHER SIDE OF THIS BALLOT, THE ENTIRE BALLOT SHALL BE VOID.</p>   |   |   |
| <p><b>GOVERNOR AND LIEUTENANT GOVERNOR</b><br/> <b>MARK ONE (1) OVAL ONLY ON THIS BALLOT</b></p> <p><b>MAGA'LAH YAN SIGUNDO MAGA'LAH</b><br/> <b>MATKA UNU (1) HA' NA UBALAO GI BALOTU</b></p> <p><b>REPUBLICAN</b></p> <p><input type="radio"/> MOYLAN, Kaleo S. &amp; SANTOS, Francis E.<br/> <i>One Team One Spirit</i></p> <p><input type="radio"/> CAMACHO, Paul P. &amp; CRUZ, Mike M.D.<br/> <i>Making Guam Strong</i></p> <p><b>DEMOCRAT</b></p> <p><input type="radio"/> UNDERWOOD, Robert A. &amp; AGUON, Frank B.S. Jr.<br/> <i>Leadership for Change</i></p> <p><input type="radio"/> GUTIERREZ, Carl T.C. &amp; CRUZ, Benjamin J. F. "B.J."<br/> <i>Bring Back Service</i></p> |   | <p><b>DIRECTIONS</b><br/> Vote for one (1) team only. Make this mark <input type="radio"/> in the oval. Vote for your write-in team by marking the oval e.g., <input type="radio"/> and by writing the team of your choice on the line. If you mark more than one (1) team, your vote will not be counted. If you cross over in any of the races on this ballot, your entire ballot shall be void. If you make a mistake, ask for a new ballot.</p> <p><b>DIREKSION</b><br/> Bate unu (1) ha' na pak. Magsa tagpuan <input type="radio"/> gi ubalao. Bate / na' na unu ha' na sigundo magalah yan matka unu (1) ha' na ubalao gi balotu. Despues, naga' / na' an gi ralya. Yanggan un bate mas di unu (1) na pak, a u ma kuente / balotu-mu. Yanggan un krusa guatu gi oho Acha, si u sta kuente / balotu-mu. Yanggan kachi hao, fangpapas nuedu na balotu.</p>   |
| <p><b>CONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES</b><br/> <b>MARK ONE (1) OVAL ONLY ON THIS BALLOT</b></p> <p><b>DILIGADON KONGGRESU PARA GUMA' RIPRESENTASION</b><br/> <b>MATKA UNU (1) HA' NA UBALAO GI BALOTU</b></p> <p><b>REPUBLICAN</b></p> <p><input type="radio"/> <br/> </p> <p><b>DEMOCRAT</b></p> <p><input type="radio"/> BORDALLO, Madeline Z.<br/> <i>(Incumbent)</i></p> <p><input type="radio"/> <br/> </p>   |   | <p><b>DIRECTIONS</b><br/> Vote for a candidate of one (1) party only. Make this mark <input type="radio"/> in the oval. Vote for your write-in candidate by marking the oval e.g., <input type="radio"/> and by writing the name of your choice on the line. If you mark more than one (1) candidate, your vote will not be counted. If you cross over in any of the races on this ballot, your entire ballot shall be void. If you make a mistake, ask for a new ballot.</p> <p><b>DIREKSION</b><br/> Bate / kandedadu gi un partido ha'. Bate unu (1) ha' na kandedadu. Magsa tagpuan <input type="radio"/> gi ubalao. Bate / kandedadu / na un naga' na inayen-mu, pa un matka tagpuan <input type="radio"/> gi ubalao. Despues, naga' / na' an gi ralya. Yanggan un bate mas di unu (1) na kandedadu, si u ma kuente / balotu-mu. Yanggan un krusa guatu gi oho Acha, si u ma kuente / balotu-mu. Yanggan kachi hao, fangpapas nuedu na balotu.</p> |
| <p>VOTE FOR CANDIDATES OF ONE (1) PARTY ONLY ON BOTH SIDES OF THIS BALLOT<br/> DO NOT CROSS OVER</p>  |   |   |

EXHIBIT A  
EXHIBIT B

SAMPLE

# OFFICIAL PRIMARY ELECTION BALLOT

YOU MAY VOTE FOR CANDIDATES OF ONE (1) PARTY ONLY. DO NOT CROSS OVER. IF YOU VOTE FOR CANDIDATES OF MORE THAN ONE (1) PARTY FOR ANY OFFICE APPEARING ON EITHER SIDE OF THIS BALLOT, THE ENTIRE BALLOT SHALL BE VOID.

FAMBOTA PARA UN BANDAN PATTIDA NA'. MUNINGA NA KROSA I BOTU-MU, YANGGEN MAMBOTA HAO KANDEBATU GI DOS BANDA GI PATTIDA, TI U NA KUENTA I BALOTU-MU.

## LEGISLATURE

### I LINESLATURA

#### DEMOCRAT

- ☐ PALACIOS, Adolpho Borja  
(Incumbent) Asof
- ☐ GAY, Alejandro  
aka JOE PUBLIC
- ☐ GARRIDO, Vicente Uina  
TACT
- ☐ PARSONSON, Don  
Papa
- ☐ PANGELINAN, Vicente C  
Bee
- ☐ BENAVENTE, Robert L.G.  
"Mambot"
- ☐ TERLAJE, Jose Tomas  
"Mayor Pede"
- ☐ GUTHERTZ, Judith Paulista  
Dr. JUDITH GUTHERTZ
- ☐ WON PAT, Judith T. Perez  
(Incumbent) Jut
- ☐ SHIMIZU, David L.O. (Dr.)  
"Mambot, Yan Mambot"
- ☐ SABLAN, Angel Reyes  
"Coco-Chico-Gato"
- ☐ RESPIRO, Rery J.  
(Incumbent) "Mambot" / "Mambot"
- ☐ CHARQUALAF, Jose S.N.  
"Mr. C"
- ☐ MUÑA-BARNES, Tina Rose  
(Dr.) / "Mrs. Pargon"
- ☐ HERNANDEZ, Romeo Mena  
"Back to the People"
- ☐ SANTOS, Angela L.G.
- ☐ QUENAS, Dave
- ☐ CARBULLIDO, Ivan Borja  
"For and Beyond"
- ☐ TORRES, Tini Teasingfong  
"Pangara Asenso Borja"
- ☐ QUITANO, Ewin Champaco  
"Fighting For Rights"
- ☐ LINSANGAN, Sedney M.  
Bee

## DIRECTIONS

Vote for one (1) party only. In the Legislative race, vote for no more than fifteen (15) candidates of one (1) party only. If you mark more than fifteen (15) candidates, your vote will not count. If you cross over, your entire ballot will not be counted. Make this mark ☐ in the oval. Vote for your write-in candidate by marking the oval ☐ and by writing the name of your choice on the line. If you make a mistake, ask for a new ballot.

## QUESTION

Bata un patida ha'. Gi karanan Lohislatura, bata kison (15) ha' na kandedatu gi un patida. Yanggen un mabe mbe a kison (15) na kandedatu a u na kuenta i botu-mu. Yanggen un kison guetu gi ogo kucha, si u na kuenta i botu-mu. Marka isiguni ☐ gi uobito. Bata i kandedatu na un kupa' na bayon-mu ya un mabe isiguni ☐ gi uobito. Despuet, kupa' i na'an gi rilya. Yanggen kach' na, kandedatu naba na patida.

**SAMPLE EXHIBIT B**

VOTE FOR CANDIDATES OF ONE (1) PARTY ONLY ON BOTH SIDES OF THIS BALLOT  
DO NOT CROSS OVER



# OFFICIAL PRIMARY ELECTION BALLOT

GUAM

September 2, 2020

ATTORNEY GENERAL OF GUAM  
MARK ONE (1) OVAL ONLY ON THIS BALLOT

HINIRAT ABUGAO GUAHAN  
MATKA UNU (1) KA' NA USALAO GI BALOTU

☐ MOYLAN, Douglas B.  
(In English) "Mark One Only" w/ w/ w/

☐ PEREZ, Vern Quintanilla

☐ LINTIAGO, Alda Garrido

## DIRECTIONS

Vote for one (1) candidate only.  
Make this mark **ONE** in the oval.  
Vote for your write-in candidate  
by marking the oval **ONE** and by  
writing the name of your choice  
on the line. If you mark more  
than one candidate your vote  
will not be counted. If you make  
a mark other than **ONE** in the oval.

## DIRECTIONS

Vote for one (1) ka' na handadadu.  
Mark **ONE** in the oval.  
Vote for your write-in candidate  
by marking the oval **ONE** and by  
writing the name of your choice  
on the line. If you mark more  
than one candidate your vote  
will not be counted. If you make  
a mark other than **ONE** in the oval.

EXHIBIT B



# GUAM ELECTION COMMISSION

PO Box BG Hagatna, Guam 96932



## NUMBER OF REGISTERED VOTERS PER PRECINCT

As of August 29, 2006

| DISTRICT      | PRECINCT    | VOTERS | Public Site     | DISTRICT        | PRECINCT      | VOTERS | Public Site  |
|---------------|-------------|--------|-----------------|-----------------|---------------|--------|--------------|
| AGATNA        | 1--(A-Z)    | 656    | Guam            | AGANA HTS.      | 13--(A-J)     | 834    | Agana        |
| Jalap         |             | 656    | Legislature     | Naval Hospital  | 13A - (K-Z)   | 918    | Haghigh Elem |
|               |             |        |                 |                 |               | 1,762  |              |
| LAUNANNA      | 2--(A-Z)    | 1,184  | Asian-Mans      | MONGMONG        | 14--(A-L)     | 1,213  | JQ San       |
| mitz Hill     |             | 1,184  | Community       | TOTOMAUITE      | 14A - (M-Z)   | 978    | Miguel Elem  |
|               |             |        |                 | NAS             |               | 2,191  |              |
| IT            | 3--(A-Z)    | 502    | Jose L.O. Ross  | BARRIGADA       | 15--(A-O)     | 1,230  | LP Union     |
| mitz Estate   |             | 502    | Middle School   | Barrigada Hts.  | 15A - (E-O)   | 1,241  | Middle       |
|               |             |        |                 |                 | 15B - (P-Z)   | 1,137  |              |
| GAT           | 4--(A-D)    | 584    |                 |                 |               | 3,608  |              |
| 1 Lamian      | 4A - (E-P)  | 929    | Oceanview       |                 |               |        |              |
| side Beach    | 4B - (Q-Z)  | 580    | Middle School   |                 |               |        |              |
|               |             | 2,793  |                 |                 |               |        |              |
|               |             |        |                 | MANGILAO        | 16--(A-D)     | 1,452  | UOG Field    |
| ANTA RITA     | 5--(A-K)    | 1,910  | Harry S. Truman | Lara Hts.       | 16A - (E-O)   | 1,329  | House        |
| park Hts.     | 5A - (L-Z)  | 1,072  | Elem School     |                 | 16B - (P-Z)   | 1,235  |              |
| and Station   |             | 2,987  |                 |                 |               | 4,015  |              |
| anta Rosa     |             |        |                 |                 |               |        |              |
|               |             |        |                 | TAMUNING        | 17--(A-C)     | 1,092  |              |
| MATAC         | 6--(A-Z)    | 756    | FQ Sanchez      | Carlos Hts.     | 17A - (D-K)   | 1,055  | Tamuning     |
|               |             | 756    | Elem School     | Marathon        | 17B - (L-P)   | 1,188  | Elem School  |
|               |             |        |                 | Ipan Beach      | 17C - (Q-Z)   | 1,216  |              |
| IERIGO        | 7--(A-K)    | 587    | Mercy Marys     | Jonestown       |               | 4,551  |              |
|               | 7A - (L-Z)  | 679    | Memorial Elem   |                 |               |        |              |
|               |             | 1,272  | School          |                 |               |        |              |
|               |             |        |                 | DEDEDO          | 18--(A)       | 873    |              |
| GARAJAN       | 8--(A-M)    | 1,012  | Marajan Middle  | Finagayan       | 18A - (B)     | 920    | Wetland      |
| latopo        | 8A - (N-Z)  | 897    | School          | NCS             | 18B - (CA-CE) | 770    | Elem School  |
|               |             | 1,909  |                 | Ypoopee         | 18C - (CH-CU) | 740    |              |
|               |             |        |                 | Ghura 501/502   | 18D - (D)     | 765    |              |
| ALOFOFO       | 9--(A-M)    | 1,011  | Taiolofo Elem   | Ashumbo Gate    | 18E - (E-GE)  | 905    |              |
| mburao        | 9A - (N-Z)  | 821    | School          | 503/Fern Terr   | 18F - (G-H)   | 908    | MA Liza      |
| san           |             | 1,832  |                 | 505             | 18G - (I-HC)  | 1,067  | Elem School  |
|               |             |        |                 |                 | 18H - (HE-N)  | 775    |              |
| ONA           | 10--(A-E)   | 870    | MU Lujan Elem   |                 | 18I - (O-P)   | 891    |              |
| laza Gardens  | 10A - (F-P) | 833    | School          |                 | 18J - (Q-R)   | 815    | Ashumbo      |
| ogcha         | 10B - (Q-Z) | 833    |                 |                 | 18K - (S)     | 1,201  | Elem School  |
|               |             | 2,736  |                 |                 | 18L - (T-Z)   | 1,142  |              |
|               |             |        |                 |                 |               | 11,783 |              |
| HALAN PAGO    | 11--(A-K)   | 1,279  | OrdosChalan     |                 |               |        |              |
| MDOT          | 11A - (L-Z) | 1,255  | Pago Elem       | YIGO            | 19--(A-C)     | 1,326  |              |
| ago Bay       |             | 2,534  | School          | Agafa Gumar     | 19A - (D-K)   | 1,015  | Simon        |
|               |             |        |                 | Anderson        | 19B - (L-P)   | 1,140  | Sanchez      |
|               |             |        |                 | Mananad Terr    | 19C - (Q-Z)   | 1,492  | High School  |
| HAJANA        | 12--(A-L)   | 950    | CL Tarpas Elem  | W. Santa Rosa   |               | 4,883  |              |
| lame          | 12A - (M-Z) | 914    | School          | Ghura 506/Simon |               |        |              |
| gatal Springs |             | 1,864  |                 |                 |               |        |              |

TOTAL NUMBER OF REGISTERED VOTERS: 53,389

**EXHIBIT C**



## Committee on Judiciary, Governmental Operations, and Reorganization

*I Mina' Bente Ocho Na Liheslaturan Guahan*

155 Hesler Place Hagatna, Guam 96910

**Bill 383 (EC) - To Enact The Guam Election Reform Act Of 2007.**

|    | Name                        | Agency or Organization | E-mail Address | Phone No. | Testimony |                | In Favor | Not In Favor |
|----|-----------------------------|------------------------|----------------|-----------|-----------|----------------|----------|--------------|
|    |                             |                        |                |           | Oral      | Written        |          |              |
| 1  | Ben Adia                    |                        |                |           | ✓         |                | ✓        |              |
| 2  | Terini Torres               |                        |                |           | ✓         | Letter Pending | ✓        |              |
| 3  | <del>Francisco Torres</del> |                        |                |           | ✓         |                |          |              |
| 4  | ROGER A. SARDIA             |                        |                |           | ✓         |                |          |              |
| 5  |                             |                        |                |           |           |                |          |              |
| 6  |                             |                        |                |           |           |                |          |              |
| 7  |                             |                        |                |           |           |                |          |              |
| 8  |                             |                        |                |           |           |                |          |              |
| 9  |                             |                        |                |           |           |                |          |              |
| 10 |                             |                        |                |           |           |                |          |              |

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*I Mina' Bente Ocho Na Liheslaturan Guahan*  
**Committee on Judiciary, Governmental Operations, &  
Reorganization & Committee on Calendar**

December 19, 2006

**WAIVER OF FISCAL NOTE**

The request for a fiscal note for Bill 383(EC) was sent to the Bureau of Budget & Management Research on November 13, 2006 and has not been received by the Committee on Judiciary, Governmental Operations, & Reorganization to date. Pursuant to the 14-day rule of § 9105 of Title 2 G.C.A., Chapter 9, I hereby waive the requirement of a fiscal note for Bill 383(EC).

**Bob**  
**Senator Robert Klitzkie**  
**Chairman**