

MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN
2007 (FIRST) Regular Session

Bill No. 49 (EC)

Introduced by:

R. J. Respicio
J.P. Guthertz
T.R. Muña Barnes

AN ACT TO PROHIBIT THE USE OF ELECTRONIC VOTING MACHINES UNTIL SUCH TIME THAT THE GUAM ELECTION COMMISSION ENSURES THAT EACH VOTING MACHINE PROVIDES AN AUDITABLE "PAPER TRAIL," CERTIFIES THAT EQUIPMENT TESTING, SECURITY PROCEDURES AND STAFF TRAINING HAS TAKEN PLACE, AND CONDUCTS AN ISLAND-WIDE EDUCATION PROGRAM FOR VOTERS TO PROPERLY UTILIZE SUCH MACHINES, SUCH THAT THEIR USE WILL BE NO MORE PROBLEMATIC THAN USING PAPER BALLOTS, BY *ADDING* A NEW SUBITEM (e) TO §2103 OF CHAPTER 2, AND *ADDING* A NEW §7103.1 TO CHAPTER 7, ALL OF TITLE 3 GUAM CODE ANNOTATED.

APPROVED BY THE COMMISSION
DATE: 11/15/07
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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. A new Subitem (e) is *Added* to §2103 of Chapter 2, Title 3**

3 **Guam Code Annotated to read:**

4 (e) Relative to electronic voting machines, the
5 Commission shall:

6 (1) Determine, through extensive testing and
7 development of comprehensive training procedures, that
8 all GEC staff employees to be situated at polling sites on
9 each election day will be properly trained to demonstrate,
10 operate and monitor the operations of the machines;

1 (2) Develop an island-wide education program to
2 inform and demonstrate to voters the proper use of such
3 machines, and shall ensure such education program is
4 tested on an actual election day or days to determine the
5 education program's effectiveness; and

6 (3) Facilitate the conduct of tests to determine the
7 integrity of the machines with an independent entity or
8 organization as deemed appropriate by the Commission;
9 and

10 (4) Provide the results and analysis of such testing,
11 training and education required in this subitem (e) to *I*
12 *Maga'lahaen Guahan* and *I Liheslaturan Guahan*, and
13 wherever necessary shall promulgate rules as required in
14 subitem (d) of this §2103."

15 **Section 2. A new §7103.1 is Added to Chapter 7, Title 3 Guam Code**

16 **Annotated to read:**

17 **"§7103.1. Electronic Voting Machines.** Electronic voting
18 machines shall not be used for casting ballots until the Commission
19 certifies in accordance with §2103 (e) of this Title that:

1 (a) The electronic voting machines have been tested and
2 determined to be accurate and tamper-proof by a reputable
3 organization;

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

6 (c) Security procedures protecting the electronic voting
7 machines and the sanctity of the vote are in place; and

8 (d) Some form of parallel system for tallying electronic
9 votes is in place and provides a paper printout from which a
10 voter may verify his ballot's accuracy, and which the
11 Commission can utilize in auditing and recounting votes."

12 **Section 3. Repealer.** Public Law 28-152 is repealed in its
13 entirety.

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