



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

May 25, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-562

5/25/11
11:29 AM
[Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 50-31 (COR) "AN ACT TO REPEAL §10129 OF CHAPTER 10, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO EARLY VOTING SERVICE TO THE COMMUNITY", which I signed into law on May 24, 2011 as **Public Law 31-58**.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) Regular Session

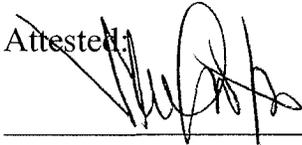
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÁHAN*

This is to certify that **Bill No. 50-31 (COR)**, “AN ACT TO *REPEAL* §10129 OF CHAPTER 10, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO EARLY VOTING SERVICE TO THE COMMUNITY”, was on the 10th day of May, 2011, duly and regularly passed.



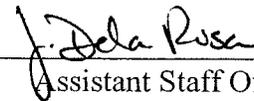
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guáhan* this 12th day of May, 2011, at 10:30 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guáhan

Date: MAY 24 2011

Public Law No. 31-58

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 50-31 (COR)

Introduced by:

R. J. Respicio
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL §10129 OF CHAPTER 10, TITLE 3,
GUAM CODE ANNOTATED, RELATIVE TO EARLY
VOTING SERVICE TO THE COMMUNITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that a large number of serious problems occurred during Guam's 2010 elections,
4 which has brought into question the integrity of our election processes. An
5 informal audit conducted on the 2010 Guam Election Commission (GEC) records
6 revealed the following:

7 • Over a hundred *more* Early Voting ballots were cast than the number

1 of voters who actually signed in for Early Voting;

2 • The GEC's master log book of signatures of early voters, and the
3 GEC's digital version of the *same* log book, do *not* contain the same number
4 of signatures, and the difference is significant.

5 • Thousands of ballots cast by early and absentee voters were
6 improperly stored in an unlocked filing cabinet at the GEC, and from the day
7 early voting began through Election Day, they were accessible to individuals
8 who were *not* GEC employees. GEC employees have acknowledged that
9 non-employee visitors were at the GEC office nightly throughout the early
10 voting period, including past midnight on some occasions.

11 • The names of dozens of voters who cast early or absentee ballots were
12 *not* marked off on Precinct Signature Logs, leaving open the possibility that
13 they could have voted more than once, or that others may have illegally
14 voted in their name;

15 • The GEC's Master Precinct Logs used at the polls on Election Day
16 included the names of dozens of voters who were marked off as voting Early
17 or Absentee, but their names do *not* exist on any GEC Early or Absentee
18 voter lists, again leaving open the opportunity or possibility that they could
19 have voted two (2) or more times, or that others may have illegally voted in
20 their name;

21 • Several people apparently voted twice in Guam's General Election by
22 casting ballots during Early In-Office Voting, and also at their respective
23 precincts on Election Day. One (1) individual apparently voted twice during
24 Early In-Office Voting.

25 Each of these unofficial findings appears to indicate a clear breakdown in
26 security relative to ballots and the voting processes, and brings into question the
27 GEC's ability to handle the additional burden of early voting. This situation has

1 left the Election Commission unable to quantify the true harm caused to voters due
2 to what may very well be a plethora of systemic failures.

3 While some problems may be attributable to a variety of differing factors,
4 including human error, improper/inadequate training, outdated rules and
5 procedures, inattentiveness by election officials, lack of voter security, or other
6 factors, the number of errors occurring in Guam's 2010 elections were extremely
7 high, and action should be taken to ensure public confidence in our elections, so
8 that these problems do *not* recur.

9 It is therefore the intent of *I Liheslatura* to repeal early voting provisions,
10 which appear to have been the root of a number of problems experienced by the
11 GEC during the 2010 elections. The *repeal* of these provisions will allow the GEC
12 to more easily conduct their duties and will help the people of Guam become more
13 confident that their elections are overseen and conducted in a fair and relatively
14 error-free manner.

15 **Section 2. *Repeal of Provisions for Early Voting Service to the***
16 ***Community.*** §10129 of Chapter 10 of Title 3, Guam Code Annotated (**Early**
17 **Voting Service to the Community**), is hereby *repealed*.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: May 10, 2011

VOTING SHEET

Bill No. 50-31(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15

0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,

ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

April 29, 2011

Honorable Judith T. Won Pat

Speaker

I Mina'trentai Una na Liheslaturan Guåhan

155 Hesler Place

Hagatña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report - Bill No. 50-31 (COR).

2011 MAY -2 PM 3:42

Dear Speaker Won Pat:

Transmitted herewith for your consideration is the Committee Report on **Bill No. 50-31 (COR); "An Act to Repeal Title 3 Guam Code Annotated Chapter 10, §10129 "Early Voting Service to the Community."";** sponsored by Rory J. Respicio, and referred to the Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform. Bill No. 50-31 (COR) was publicly heard on February 16, 2011.

Committee votes are as follows:

<u>0</u>	TO PASS
<u> </u>	NOT TO PASS
<u> </u>	ABSTAIN
<u>3</u>	TO REPORT OUT ONLY
<u> </u>	TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR DENNIS G. RODRIGUEZ, JR.

Attachment



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT

ON

BILL NO. 50-31 (COR)

Sponsored by Rory J. Respicio

**“An Act to Repeal Title 3 Guam Code
Annotated Chapter 10, §10129 “Early Voting
Service to the Community.”**



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,

ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

March 15, 2011

MEMORANDUM

To: ALL MEMBERS

Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform.

From: SENATOR DENNIS G. RODRIGUEZ, JR. 
Committee Chairperson

Subject: Committee Report on Bill No. 50-31 (COR).

Transmitted herewith for your consideration is the **Committee Report on Bill No. 50-31 (COR); "An Act to Repeal Title 3 Guam Code Annotated Chapter 10, §10129 "Early Voting Service to the Community."";** sponsored by Rory J. Respicio.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Copy of Bill No.50-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 50-31 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Attachment



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,

ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE VOTING SHEET

BILL NO. 50-31 (COR)

"An Act to Repeal Title 3 Guam Code Annotated Chapter 10, §10129 "Early Voting Service to the Community.""; sponsored by Rory J. Respicio.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, JR. Chairman		✓ 4/27/11				
ADOLPHO B. PALACIOS, SR. Vice Chairman				✓		
JUDITH T. WON PAT, Ed.D. Speaker		✓				
BENJAMIN J.F. CRUZ Vice Speaker		✓ 4/27/11				
TINA ROSE MUÑA BARNES Legislative Secretary		✓				
THOMAS C. ADA		✓				
JUDITH P. GUTHERTZ, DPA		✓				
VICENTE C. PANGELINAN		✓				
RORY J. RESPICIO		✓ 4/28/11				
ALINE A. YAMASHITA, Ph.D.		✓ 4/28/11				
V. ANTHONY ADA						
FRANK F. BLAS, JR.		✓ 4/29/11				
MANA SILVA TAJERON						
CHRISTOPHER M. DUENAS						
SAM MABINI, Ph.D.						



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT DIGEST

Bill No. 50-31 (COR)

I. OVERVIEW: The Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform conducted a public hearing on February 16, 2011. The Hearing convened at 09:00 A.M. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 50-31 (COR)**; “An Act to Repeal Title 3 Guam Code Annotated Chapter 10, §10129 “Early Voting Service to the Community.”; sponsored by Rory J. Respicio

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on February 09, 2011 (5-Day Notice), and again on February 13, 2011 (48-Hour Notice). Notice was published *on-line* in the Pacific Daily News on February 06, 2011.

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice-Chairperson
Senator Thomas C. Ada	Committee Member
Senator Rory J. Respicio	Committee Member
Senator Christopher M. Duenas	Committee Member
Senator V. Anthony Ada	Committee Member
Senator Frank F. Blas, Jr.	Committee Member

The public hearing on agenda item Bill No. 50-31 (COR) was Called-to-Order at 09:03 A.M.

II. SUMMARY OF TESTIMONY & DISCUSSION.

CHAIRMAN DENNIS G. RODRIGUEZ, JR., convened the Public Hearing on Bill No. 50-31 (COR): Invited Senator Rory J. Respicio, author of Bill No. 50-31 (COR), to explain the intent of the bill.

Senator Rory J. Respicio, Author of Bill No. 50-31 (COR): Thank you Mr. Chairman, I submitted to you a sponsor statement of this bill. An Act to repeal title 3 GCA chapter 10, early voting service to the community. I certainly support early voting, but in what we saw in last election with all the disparities last election. Even brought forward by a report by the GEC board of directors, that came out with certain findings; 1) the number of early ballots casts is over 100 ballots more than the number of people who signed up for early voting; 2) there was a big difference between the number of signatures of early voters in the GEC master log book, and the GEC digital record the same log book. 1000's of ballots casts by early voters and absentee voters were not properly and safely secured. These cast ballots were kept in an unlocked cabinet and could've been tampered with by someone who was not a GEC employee. The names of dozens of voters who cast absentee ballots were not marked off from precinct signature logs. These people could've easily voted more than once, as evident that some did vote more than once, and an unknown number of people voted more than once in the last election, by first casting votes in the early voting and then going to their precincts on election day and voting again. GEC records show that at least one person signed up on Election Day and voted again. And came back later and voted again. Mr. Chairman, my interests in this bill is to build upon our commitment when it comes to elections in a democracy, and that every vote is properly cast and accounted for. I do respect the author of this law, Senator Palacios, for wanting to make correctable the mistakes from the voting public. But we kind took for granted that there are no procedures in place. What I am wondering is how they secured those ballots on a nightly basis, and wondering if they were treating those ballots like they were treating cash, and that every vote that was cast during that early voting provision, should've went in some bank vault. And after the fact that those kinds of requirements were not in place prior. And were talking as much as 3600 votes that were cast early up until the election. And were talking about all those votes being in unlocked filing cabinets. I'm not, in any way, impugning the integrity of the abilities of the GEC, but we want to remove any doubt, so we can move forward in these types of situations. The electronic voting machines, we've learned, Mr. Chairman, there was no real way to have an auditable, paper trail. And we moved to repeal that to certain provisions to be met. Obviously the GEC has yet to meet those requirements. I ask my colleagues to support this bill.

Chairman: thank you Senator Respicio. I'd like to call upon Mr. Larry Ramirez and Mr. Chris Carrillo to join us in front for your testimony on Bill 50-31. Can you please state your name for the record?

Mr. Larry Ramirez: Honorable Senators, you know I retired from the GEC, and I would like to testify on the bill for early voting. I believe that in order to correct the current system, we have to go back to the old system. A friend told me that he was running for the GEC and why I was leaving island. I said that it's a small island and that I don't want to stay. My dad was the "pare" of the other candidates. We were asked to help in campaigning for that seat. That was a brilliant idea to have my brother on the GEC with John Blas. But we're not talking about the primary, everyone wants to talk about the primary. First, I was the only one to make a survey to see how many the votes were cast. I was asked where did I get my info?

The reason why we are not going to fix the problems of the primary is that the laws that are passed do not supersede the laws. The primary is not a selection of the leaders of Guam. The primary is nothing more than to select the parties of interests in that state. Some say that there

should be a separation of ballots where the congressional ballot be separated form the rest of the other ballots. Let me remind you that in 1984 the ballot was separated. But we were told that if you were going to have a bi-partisan election, all parties must run where you cannot cross over. For the mayoral, the candidate who gets the most votes is automatically voted in. So I said, leave that partisan primary the way it is, or take the partisan primary and let the parties choose themselves the candidates. Madeleine didn't cause the number of spoiled ballots; it was the people that participated.

That alleviates the spoiled ballot issue; take the primary away and let the parties choose their own candidates. Other than that I do not want to see my government have an election for a congressman where they don't have any power.

That's all I care about the primary.

Chairman: We were on the early voting bill. We'll take your testimony for the 2nd bill.

Mr. Ramirez: The early voting is one of the best opportunities that will give the people an opportunity of the people to vote. I think were we make the mistake is with a lot of people who DO NOT know how the system works. Put people in place that knows how to run that system. The so-called early voting ballots displayed caused the early voting and the description. There is no way that the ballots were counted.

Senator Respicio: I agree with you 100%, the early voting law is a good concept and I said that earlier. And I appreciate what Senator Palacios did with this law, and try to accommodate people so they can vote early in any election that we have here. But don't you think that with all the discrepancies that were confirmed from their own board. That maybe we should stop this early voting law until they can figure it out?

Mr. Ramirez: I think that the best for any election to be conducted is to know when the board members term expires. And when they vote for the members, there has to have the mechanics of the boards. Not only c should you educate the employees but also the board on what is 50+1.

Senator Respicio: But there wasn't any rules or regulations that wee promulgated pursuant to this statute that authorizes the early voting.

Mr. Ramirez: Senator Respicio what I was trying to say that you have to have the people that know what they're doing. The ballots have to be taken to bank security.

Senator Respicio: See, they didn't even do that. Thank you Mr. Chairman.

Mr. Ramirez: All I'm saying is that early voting is good if they have the right enforcement.

Chairman: Thank you very much sir. Mr. Carrillo?

Mr. Chris Carrillo: Good morning Senators, my name is Chris Carrillo. I'm here to testify in favor of senator Respicio bill. Let me clarify my position; its not that I think that early voting is

not a good thing. All people should have an opportunity to vote. It's a right that we can exercise, so Senator Palacios your bill is a good bill in its intentions. After the 2010, I was tasked by a gubernatorial candidate to do research on the electoral process- both the early voting and on Election Day. For months I looked at all logs and found that there were so many systemic flaws. We still have no record of how many ballots printed. How can you ascertain how many were counted, if you don't know how many were printed? No security for the ballots. Every member of the GEC staff had a key to the office. Anyone could get access to the office. No record of how many ballots were picked up and how many were counted. A vote is a more valuable currency than money. This election was extremely close. The winner of the election won with a 100 more votes mandated for a runoff. To this day there are 700-800 ballots in question. There were voters, for various reasons, were not able to vote. There were 100's of people that were turned away from the polls. I'm not saying that the election commission did anything illegal, but it begs the question on who do we know who won the last election. When we talk about the early voting process, just the fact that there was no security raises questions. If anyone can have access to your ballots, then why should we have an election then? There were 7 employees and all them have keys. Until we have system that says how many ballots were cast, this problem will persists. The GEC didn't have proper procedures to properly log and identify all correct voters. Some sort of control needs to be given so that they (GEC) can ascertain who exactly voted. We know of one instance that voted twice? Where is the control? With this day in age, why isn't there a system that is more efficient? We need to have controls that will protect the sanctity of the election. Until we can set parameters to the early voting requirements, I believe Senators Respcio bill to pass. If you have any questions, ill be happy to answer them.

Chairman: Thank you Chris. Vice Chairman Palacios?

Senator Adolpho B. Palacios, Sr., Committee Vice-Chairman: Thank you Mr. chairman. Perhaps, Mr. Carrillo can shed some light. In my research of the early voting, almost 3 years ago, the trend is to provide the opportunity of voters to vote early and the safeguards have been in place. It appears to me, of course, that the issue is not the substance of the statute, but rather the manner in which it is administered. I don't agree with allowing voting right until the election. Why, I can see the problem that it will take them the noting of such voting on the master file and I don't think that the GEC will have time to post that. And that's how some of these issues come about. That perhaps s maybe we can put more safeguards, for example, we can have early voting until one week till election and then terminate it. Then the 5 days till the election, the GEC can update the records and make sure. But really to close this and narrow the opportunity to vote its there is no harm done to allow early voting. It may diminish congestion. I notice in the last election, the first major test of the early voting. For lack of a better term there is a manipulation of the system. Even bussing individuals. It never occurred to me that it would be the case to buss individuals to vote. But it happened and those are the things that need s to be address. And there's not going to be an election then more the need now. Instead of repealing this we can just tweak that on the markup, we can still retain some of that. There has been a wide support, in the community. Even in the special election when it was first tested. But like I said the major test was during this election. I know of a bussing arrangement where 100's and 100's at a time. And that why it got over 3000. I did not anticipate that it would go over that. 3000 out of 40000 casts votes. Definitely there is a need to improve on that. But to just, more or less, blame the policy, of

the problem...it's actually the administration of the problem. And that is my remark. Perhaps I can look at that. Thank you Mr. Chairman.

Chairman: Thank you Vice-Chairman Palacios. For the record, the GEC has stated that they will provide written testimony after the board meets this Thursday. Senator Duenas? Nothing? Senator Tom Ada? Tony Ada?

Senator Thomas C. Ada: I would just like to say, I guess in listening in what all went wrong, it seems like passage of this bill, it seems like we may be throwing the baby in the scalding bathwater.

Mr. Carrillo: Senator Ada. My concern is not that I do not agree that early voting should not exist. It is a great opportunity for people to go and vote. Voting is the most important right. I guess if Senator Palacios and Senator Respicio can get together and do some corrective language in the Palacios bill and Id is in favor of that more so. But I don't believe that if we don't make any changes to the current system, we don't believe that early voting should go on as it has been.

Senator Tom Ada: I get all the lessons that were learned. I don't think that we are going to come up with a full-proof system.

Mr. Carrillo: But we can come up with controls like for storing the ballots. On a procedure like when the voter signs the voter logs, I don't believe that any citizen should be touching that only election commission officials should be doing that. I believe that the coded ballots should be given out correctly. They should have all the precincts coded. The system is broken, and it leas dot controversy. We have lawsuits pending on this election. If there are no standardized rules how can we make sure that the process will not be clouded in controversy? Mr. Ramirez has said that it's the election. You cannot ascertain who the winner is if you cant ascertaining what 50=1 is. At this point, I am 100 positive the GEC have no idea how many ballots were casts.

Chairman: Thank you very much.

Mr. Ramirez: I would just like to explain were the mistake happened is in the recount. I have never seen a recount, recounted by the same machine. There is not o1 of the 58 precincts that are balanced. I'm not happy to say that the governor was elected by 758 voters of the Tamuning precinct. Senator Ada, you were the top vote getter with 4%. In reality, look at how many votes you really got. What its says this 220% PARTICIPATED IN THE GOV ELECTION, WHAT IT MEANS THE 40000 multiply by how many times they voted.

In an average election for governor, the average number of spoiled ballots is 10 per precinct. And I will speak on the record.

Chairman: Thank you very much, Mr. Ramirez. Senator Blas? Senator Respicio?

Senator Respicio: Again the policy is not being blamed here. I do support early voting and if you see the sponsor statement. It took a lot for me to move in the direction of the early voting law, and to work with the sponsor with the electronic machines. We put a moratorium on the

machines until certain requirements can be met. For instance, if there is an audible paper trail that the election commission has educated the voters of how the machines work. There is a whole litany of things that have to be met and when the board certifies that these things are met from the statutes, we can use the electronic voting machines again. And we're still waiting for the board to meet all the requirements. With the respect to the early voting law, Why have a process when they are making it convenient for the public to vote, in the end, you don't know the winner of the election, although certified by the GEC in the whole election process. And it kind of takes away from the whole election process and that person's ability to effectively govern. There is no true mandate. My commitment is to have free and fair elections here on island. Who would not want to have free and fair elections on the island? And I want to say, for the record, that it is not the position of the GEC but David Chargulaf, who works at the commission, submitted to me, provided to the committee, that if we want to implement this early voting law, then we need to provide funding for this. How do we allow voting up until the general or primary election they have to pack up and.

Mr. Carillo: Senator, with all due respect, this argument with voting up until the election is...the problem is that they're not doing anything to regulate the voting. There is technology out there to make this process of voter control possible. Its not hard, the records are all on line. Every single registered voter has a record, a number.

Senator Respicio: But what is most upsetting to me is that the ballots were not treated like it was cash.

Mr. Carillo: They have no inventory of what ballots were destroyed. No inventory of how many ballots was casts. They have no inventory of how many ballots were sent out for early voting. How can the election commission not send out the absentee ballots? Its not that the early voting is bad. I am support of the bills, so there is no fiasco in the next election. But lets make sure policy and the rules and regulations are early voting.

Senator Respicio: Mr. Carillo, just so we're clear, you're here as a private citizen? And not an employee of the legislature? We do allow our employees to participate in the legislative process. You can get your boss to support this. Thank you Mr. Chairman.

Mr. Carillo: Yes. Yes I will.

Mr. Ramirez: I think the biggest issue in this past election is the definition of 50+1. How can the body making the laws not know what 50+1 is? Let me define what 50+1 is the total ballots casts for that office; candidates, write-ins, and spoiled. Put that together and divide by 2 and add 1. I wont ask you Senators, but I will ask the person who introduced it into law. . . [Inaudible Recording]

Mr. Ivan Carbullido: Good morning. We can talk all the problems. The problem is that it's the lack of communication. The lack of understand the rules of the policy. Too many chiefs and to little Indians. The man who was appointed there (GEC) is like he makes his own rules. Not too many people want to register (to vote). The lack of people to watch the ballots. A lot of bills are good but the system and policy is not there. I had a question about one of the ballots. And the

precinct official couldn't answer me and only said that they are following the rules. How do you get over-ballots?

It's the lack of the information. When you get appointed you get all the rules. Elections will have problems no matter how you look at it.

The process there is that lack of training. Its not compulsory, its voluntary. Not enough training and not enough information. It's the policy and the system. Thank you and I favor this bill.

Chairman: Thank you very much. We will conclude the hearing on Bill 50-31 accordingly. Bill 50-31 has been duly heard. And we will make sure that we have the GEC testimony in and apart of the mark up meeting.

Mr. Ramirez: Senator, can we really have an honest election? Can you believe that the only person that can answer the questions.

Chairman: Thank you Mr. Ramirez, well noted. We will now move on to Bill 54-31. I will ask the sponsor, Senator Chris Duenas to speak on this.

Senator Christopher M. Duenas: Thank you very much Mr. Chairman. This maybe the first time that I defend the bill as testimony had already been given in my introduction. First of all I like to thank you for your timeliness in conducting this public hearing. Obviously these two bills have a similarity in terms of their recognition, in not only the general but also the primary. A large number of spoiled ballots and the discrepancies and the election process itself. So this Bill-54-31, basically, tries to do 3 things to correct that process; 1) to separate the congressional ballot from the other offices as a stand alone ballot, and conduct the other elections on the primary ballot; 2) ensure that during the primary, that both the parties are placed at the opposite sides of the ballot so that its very simple the instructions. The election designated employee to give simple instructions to vote on one side of the ballots. The 3) is related but probably more to the general, of course a primary election as well, and that is to codify and help the election commission that it is placed in law that they conform to oversee citizens absentee act, commonly know as the "Move Act-Military and Overseas Empowerment." And that was a strong point of contention in the general election than the primary. And so but I believe that it will allow for the concurrence going into the general. So it's pretty basic and pretty straightforward. In anticipation of some of the issues that Uncle Larry has brought up there is an opportunity in the mark up meetings to recommend this bill, should the separation of the ballots not be proper because of the potential of having not voted strictly along party lines because of the fact that there is a provision to have a 2 sided ballot. The ballot will be less busy and have more room and accommodate to conduct this. We can still have the congressional ballot but we can still have it on one side. So you can still have the congressional race, but if it is 2-sided it is a lot less tempting for those who want to vote in the congressional race and also want to participate and vote for another individual but also want to vote for another party perhaps senatorial and mayoral so that ca be amended. I want to complete the opening by agreeing with what they discussed while understanding the terms of the party elections that should be conducted by the parties. But with the understanding and having research the election commission, every time before an election is to be conducted. Issues their letter to the parties, the parties respond and they continue to respond that a primary

election shall be conducted by the GEC. And it will be up the parties to respond to the election indicate THEY will take the responsibility of conducting their primary and placing their nominations before the GEC and before the regularly scheduled general election. So, with that Mr. Char, I would like to thank you for the opportunity to introduce this bill and I will defer to you at this time.

Chairman: Thank you very much Senator Duenas. Mr. Carbullido is you going to testify first? And we can come back.

Mr. Carbullido: No I'm not going to testify.

Chairman: Thank you very much. Mr. Ramirez?

Mr. Ramirez: As you might know Congress still passes a lot of laws. The law mandated that after 15 days after the election, if the candidate does not receive 50+1 votes then a runoff should occur to see who be the next candidate.

Chairman: Thank you Mr. Ramirez. Are there any other members who wish to speak on this bill? No? Ok? Just like the first bill we'll have a mark up of this and have the GEC have a look at this. The committee will now conclude the public hearing on Bill 50-31 and Bill 54-31, and accordingly, the Bills have been duly heard. The committee will continue to receive testimony for the next few days. Submit testimony to the Committee on Health and Human Service, Economic Development, Senior Citizens and Election Reform and submit is via email at senatordrodriguez@gmail.com, or at my office at 176 Sirenu Ave., Guam or here at the legislative building at 155 Hesler Place, Hagatna Guam. Thank you.

Chairman Rodriguez, Jr., concluded the public hearing and ADJOURNED.

Fiscal Note: Bureau of Budget & Management Research issued the Fiscal Note on February 28,2011 (**attached**).

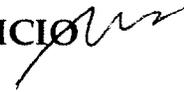
III. FINDINGS & RECOMMENDATIONS

The Committee on, Health & Human Services, Economic Development, Senior Citizens, and Election Reform, hereby **reports out Bill No. 50-31 (COR)** with the recommendation to TO PASS.

I MINA'TRENTAI UNO NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. ⁵⁰-31 (LS)

Introduced by:

R.J. RESPICIO 

**AN ACT TO REPEAL TITLE 3 GUAM CODE
ANNOTATED CHAPTER 10 § 10129, "EARLY
VOTING SERVICE TO THE COMMUNITY."**

2011 JAN 25 PM 1:00



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

2 **Section 1. Legislative findings and intent.** *I Liheslaturan*
3 *Guåhan* finds that a large number of serious problems occurred
4 during Guam's November 2010 elections, which has brought into
5 question the integrity of our election processes. An informal audit
6 conducted on the 2010 Guam Election Commission (GEC) records
7 revealed the following:

8 • Over a hundred *more* Early Voting ballots were cast than
9 the number of voters who actually signed in for Early Voting;

10 • The GEC's master log book of signatures of early voters,
11 and the GEC's digital version of the *same* log book, do not
12 contain the same number of signatures, and the difference is
13 large.

14 • Thousands of ballots cast by early and absentee voters were
15 improperly stored in an unlocked filing cabinet at the GEC, and
16 from the day early voting began through Election Day, they were

1 accessible to individuals who were not GEC employees. GEC
2 employees have acknowledged that non-employee visitors were
3 at the GEC office nightly throughout the early voting period,
4 including past midnight on some occasions.

5 • The names of dozens of voters who cast early or absentee
6 ballots were not marked off on Precinct Signature Logs, leaving
7 open the possibility that they could have voted more than once,
8 or that others may have illegally voted in their name;

9 • The GEC's Master Precinct Logs used at the polls on
10 Election Day included the names of dozens of voters who were
11 marked off as voting Early or Absentee, but their names do not
12 exist on any GEC Early or Absentee voter lists, again leaving
13 open the opportunity or possibility that they could have voted
14 two or more times, or that others may have illegally voted in
15 their name;

16 • Several people apparently voted twice in Guam's General
17 Election by casting ballots during Early In-Office Voting and also
18 at their respective precincts on Election Day. One individual
19 apparently voted twice during Early In-Office Voting.

20 Each of these unofficial findings appears to indicate a clear
21 breakdown in security relative to ballots and the voting processes,
22 and brings into question the GEC's ability to handle the additional

1 burden of early voting. This situation has left the Election
2 Commission unable to quantify the true harm caused to voters due to
3 what may very well be a plethora of systemic failures.

4 While some problems may be attributable to a variety of
5 differing factors, including human error, improper/inadequate
6 training, outdated rules and procedures, inattentiveness by election
7 officials, lack of voter security, or other factors, the number of errors
8 occurring in Guam's 2010 elections were extremely high, and action
9 should be taken to ensure public confidence in our elections, so that
10 these problems do not recur.

11 It is therefore the intent of *I Liheslatura* to repeal early voting
12 provisions, which appear to have been the root of a number of
13 problems experienced by the GEC during the November 2010
14 elections. The repeal of these provisions will allow the GEC to more
15 easily conduct their duties and will help the people of Guam become
16 more confident that their elections are overseen and conducted in a
17 fair and relatively error-free manner.

18 **Section 2. Repeal of provisions for Early Voting Service to the**
19 **Community.** Title 3 Guam Code Annotated Chapter 10 § 10129,
20 "Early Voting Service to the Community," is hereby repealed.

o

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

February 16, 2011

Senator Dennis G. Rodriguez, Jr.
I Mina'trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Dear Chairman Rodriguez:

Hafa adai. I am writing to request that you enclose with your committee report this Sponsor Statement" as a part of the record of the public hearing for Bill No. 50-31.

Thank you for your cooperation in this matter.

SPONSOR STATEMENT

Bill No. 50-31:

"AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129, 'EARLY VOTING SERVICE TO THE COMMUNITY.'"

Bill No. 50-31 seeks to repeal "early voting," a section of the law that I actually like. That may seem to be a contradiction, but it isn't. Early voting helps by giving us all an opportunity to cast our votes at our own convenience, instead of having to line up on election day. This is good for voters and for the election process.

But without the proper controls and guidelines in place, and without sufficient staffing to ensure that all of the rules are followed, early voting can be used to violate the law. Even though early voting was popular, and it probably helped quite a few additional people vote, it also caused problems with our elections.

The findings and intent section of Bill No. 50-31 lists at least half a dozen serious, documented problems that took place in the 2010 General Election, regarding just the early voting service.

According to research conducted on the Election Commission's records, here are a few examples of the problems:

- The number of Early Voting ballots cast is over 100 ballots more than the number of people who signed in for Early Voting;
- There is a big difference between the number of signatures of early voters in the GEC's master log book, and the GEC's digital record of the same log book;
- Thousands of ballots cast by early voters and absentee voters were not properly and safely secured as they should have been. These cast ballots were kept in an unlocked filing cabinet and could have been tampered with by many people, including individuals who were not GEC employees;
- The names of dozens of voters who cast early or absentee ballots were not marked off on Precinct Signature Logs. These people could have illegally voted more than once, and there is evidence that some did vote more than once;
- An unknown number of people voted twice last November by first casting ballots during Early In-Office Voting, and then going to their precincts on Election Day and voting again. GEC records show that at least one person signed in to the early voter log one day, then came back several days later and signed in and voted again.


Rory J. Respicio
Senator



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 FEB 24 PM 2:21
ERM

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 24, 2011

Memorandum

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

To: Pat C. Santos
Clerk of the Legislature

MAJORITY MEMBERS:

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Speaker
Judith T. Won Pat

Subject: Fiscal Notes

Vice Speaker
Benjamin J. F. Cruz

Hafa Adai!

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Bill Nos.:	30-31 (COR)	65-31 (COR)
	31-31 (COR)	66-31 (COR)
	35-31 (COR)	68-31 (COR)
	49-31 (COR)	69-31 (COR)
	50-31 (COR)	71-31 (COR)
	56-31 (COR)	72-31 (COR)
	58-31 (COR)	74-31 (COR)
	59-31 (COR)	

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Christopher M. Duenas

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

FEB 22 2011

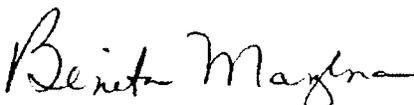
BENITA A. MANGLONA
ACTING DIRECTOR

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hester Place
Hagåtña, Guam 96910

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 35-31(COR), 49-31(COR), 50-31(COR), 74-31(COR); and Fiscal Note Waivers on Bill Nos.: 31-31(COR), 69-31(COR), 58-31(COR), 59-31(COR) and 56-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


BENITA A. MANGLONA
Acting Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 50-31**

AN ACT TO REPEAL TITLE 3, GUAM CODE ANNOTATED CHAPTER 10, §10129 "EARLY VOTING SERVICE TO THE COMMUNITY."

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: Stephanie Chargualaf, Exec. Director
Department's General Fund (GF) appropriation(s) to date:	1,155,388
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$1,155,388

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date / / Other: _____

Analyst: <u>Dina P. Rivera</u> Dina P. Rivera	Date: <u>2/18/11</u>	Director: <u>Benita A. Mangiona</u> Benita A. Mangiona, Acting Director	Date: <u>2/21/11</u>
--	----------------------	--	----------------------

Footnotes:
The Bill may result in a reduced financial impact to the Guam Election Commission during the next General Election by the reduction of voting errors that was determined as a result of the "Early Voting Service." However, this impact cannot be determined at this time.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
(FIRST AND SECOND) Regular Sessions
FINAL LEGISLATIVE HISTORY
January 2011 - December 2012

BILLS

2011 (FIRST) Regular Session

Bill No. 50-31 (LS) – by R. J. Respicio

AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129, "EARLY VOTING SERVICE TO THE COMMUNITY."

01/25/11 - Read first time. Referred to the Committee on Rules.

01/26/11 - Referred to the Committee on Health and Human Services, Senior Citizens, Economic Development, and Election Reform.

02/16/11 - Public hearing scheduled by the Committee on Health and Human Services, Senior Citizens, Economic Development, and Election Reform.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
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Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

January 26, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 49-31 (COR) through 52-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 49-31 (COR) through 52-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(3) Attachments

2011 JAN 27 PM 3:16

for Senators
1st Notice

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

maryfejeran@gmail.com>

1 message

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Wed, Feb 9, 2011 at 5:25 PM

To: "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, ben c pangelinan <senbenp@guam.net>, "Benjamin J. Cruz" <senadotbjacruz@aol.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Judith P Guthertz <judiguthertz@gmail.com>, Judith T Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Rory J Respicio <roryforguam@gmail.com>, Sam Mabini <senatorsam@senatormabini.com>, Therese Terlaje <tterlaje@guam.net>, "Thomas C. Ada" <office@senatorada.org>, Tina Rose Muna Barnes <tinamunabarnes@gmail.com>, Senator Tom Ada <tom@senatorada.org>, Tom Unsiog <tunsiog@guamlegislature.org>, V Anthony Ada <senatortonyada@guamlegislature.org>, Vince Arriola <vpamiola@teleguam.net>, Yong <yong@guamlegislature.org>

February 9, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE of Public Hearing scheduled for Wednesday, February 16, 2011.

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform has scheduled a Confirmation and Public Hearing on Wednesday, February 16, 2011, 9am, at *I Liheslaturan Guåhan*'s Public Hearing Room in Hagåtña, on the following:

9:00am

- The Executive Appointment of **Ms. Ramona Jones** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- The Executive Appointment of **Mr. Edward J. Calvo** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- **Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY."** (*Introduced by R.J. Respicio*)
- **Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as**

amended by the Military and Overseas Voter Empowerment(Move)act. *(Introduced by C. Duenas)*

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Serenu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to senator.dgrod@legis.gov.gu. Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.gu. Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

- cc: -Clerk of the Legislature -Legislative Legal Counsel
- Executive Director -MIS
- Sergeant-At-Arms/Protocol

Senator Dennis G. Rodriguez, Jr.
 Office of Senator Dennis G. Rodriguez, Jr.
 176 Serenu Avenue Suite 107
 Tamuning, Guam
 649-8638
 Fax: 649-8638
 Email: senator.dgrod@legis.gov.gu
 Website: www.guamlegislature.gu

PRESS
1st Notice
for 2/16/11 hearing

Clifton Herbert

to

- bccaction@weareguahan.com,
- admin@weareguahan.com,
- chrisu@marianasmedia.com,
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Telo Taitague <telo.taitague@guam.gov>,
William Gibson <breakfastshowk57@gmail.com>,
Laura Matthews <llmatthews@guampdn.com>,
"Dennis Rodriguez Jr." <senatordrodriguez@gmail.com>,
Joseph Mesngon <jmesngon.senatordrodriguez@gmail.com>

dateWed, Feb 9, 2011 at 2:10 PM

subject1st Notice Public Hearing

mailed-bygmail.com

hide details 2:10 PM (1 hour ago)

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

Wednesday, February 16, 2011 9:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting Confirmations as well as a Public Hearing on Wednesday, February 16, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

9:00 am

- The Executive Appointment of Ms. Ramona L.E. Jones to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. Edward J. Calvo to serve as a Member of the Guam Economic Development Authority Board.
- Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY." (Introduced by R.J. Respicio)· Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(MOVE)act. (Introduced by C. Duenas)

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via-hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to

except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.

Public Hearing Feb 16,2011.pdf

959K [View](#) [Download](#)

senatordrodriguez@gmail.com. In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert or Joe Mesngon at 649-8638 (TODU). We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

Un Dangkolo Na Si Yuos Ma'ase!

Senseramente,

Dennis G. Rodriguez, JR.

Senator, I Mina'trentai Una Liheslaturan Guåhan

###

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed

*2nd notice PRESS
for 2/16/11 hearing.*

from Clifton Herbert <cherbert.senatorrodriguez@gmail.com>
to "Dennis Rodriguez Jr." <senatorrodriguez@gmail.com>
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William Gibson <breakfastshowk57@gmail.com>,
Joseph Mesngon <jmesngon.senatorrodriguez@gmail.com>

date Sun, Feb 13, 2011 at 3:08 PM
subject 2nd Notice Public Hearing Feb 16, 2011
mailed-by gmail.com

hide details 3:08 PM (16 hours ago)

Please publish this in your paper or online. Thank You!

Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Wednesday, February 16, 2011 9:00AM

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings.

Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting Confirmations as well as a Public Hearing on Wednesday, February 16, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

9:00 am

- The Executive Appointment of Ms. Ramona L.E. Jones to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. Edward J. Calvo to serve as a Member of the Guam Economic Development Authority Board.
- Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY." (Introduced by R.J. Respicio)
- Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(Move) act. (Introduced by C. Duenas)

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via-hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com. In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert or Joe Mesngon at 649-8638 (TODU). We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU) Un Dangkolo Na Si Yuos Ma'ase!

Senseramente,

Dennis G. Rodriguez, JR.

Senator, I Mina'trentai Una Liheslaturan Guåhan

###

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 671.649.8638

Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

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PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Wednesday, February 16, 2011 9:00AM
PUBLIC HEARING AGENDA

Public Hearing Room, / *Liheslaturan Guåhan*, Hagatña, Guam

- I. Call to Order
- II. Announcements
- III. Items for Public Consideration

9:00AM

- The Executive Appointment of **Ms. Ramona L.E. Jones** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- The Executive Appointment of **Mr. Edward J. Calvo** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- **Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY."** (*Introduced by R.J. Respicio*)
- **Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(Move) act.** (*Introduced by C. Duenas*)
- IV. Announcements
- V. Adjournment

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96910, or via email to senator@senatorrodriguez.guam.gov. In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert or Joe Mesngon at 649-8638 (TODU). We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

###



Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

SECOND NOTICE OF PUBLIC HEARING for WED. FEB. 16, 2011 at 9am

2 messages

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Mon, Feb 14, 2011 at 10:35 AM

To: "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, ben c pangelinan <senbenp@guam.net>, "Benjamin J. Cruz" <senadotbjacruz@aol.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, Ed Leon Guerrero <edleonguerrero@gmail.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Judith P Guthertz <judiguthertz@gmail.com>, Judith T Won Pat <speaker@judiwonpat.com>, Lauriel Manibusan <laurielisla@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mana Silva Tajeron <senatormana@gmail.com>, Mary Fejeran <maryfejeran@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Rory J Respicio <roryforguam@gmail.com>, Sam Mabini <senatorsam@senatormabini.com>, Therese Terlaje <tterlaje@guam.net>, "Thomas C. Ada" <office@senatorada.org>, Tina Rose Muna Barnes <linamunabarnes@gmail.com>, Senator Tom Ada <tom@senatorada.org>, Tom Unsiog <tunsiog@guamlegislature.org>, V Anthony Ada <senatortonyada@guamlegislature.org>, Vince Arriola <vparriola@teleguam.net>, Yong <yong@guamlegislature.org>

February 14, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE of Public Hearing scheduled for Wednesday, February 16, 2011.

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform has scheduled a Confirmation and Public Hearing on Wednesday, February 16, 2011, 9am, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00am

- The Executive Appointment of **Ms. Ramona Jones** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- The Executive Appointment of **Mr. Edward J. Calvo** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- **Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY."** (*Introduced by R.J. Respicio*)
- **Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot, to**

mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(MOVE)act. (Introduced by C. Duenas)

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Serenu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to senatordrodriguez@gmail.com. Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan*'s website at www.liheslaturan.guam.gov. Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

- cc: -Clerk of the Legislature -Legislative Legal Counsel
- Executive Director -MIS
- Sergeant-At-Arms/Protocol

Handwritten signature of Dennis G. Rodriguez, Jr.
 Dennis G. Rodriguez, Jr.
 Senator
 Office of Senator Dennis G. Rodriguez, Jr.
 176 Serenu Avenue Suite 107
 Tamuning, Guam
 67001

noreply@boxbe.com <noreply@boxbe.com>
 Reply-To: maryfejeran@gmail.com
 To: "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>

Mon, Feb 14, 2011 at 10:35 AM

Hello Dennis Rodriguez, Jr.,

Your message about "SECOND NOTICE OF PUBLIC HEARING for WED. FEB. 16, 2011 at 9am" was waitlisted.

Please add yourself to my Guest List so your messages will be delivered to my Inbox. Use the link below.

[Click here to deliver your message](#)

Thank you,
Mary Fejeran





NEWS UPDATE: Confirmation hearing: Jones and Calvo appointments to GEDA

February 14, 2011

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform are holding confirmation hearings for Ramona Jones and Edward J. Calvo to serve on the Guam Economic Development Authority Board on Feb. 16.

The hearings will be held at the Liheslaturan Guåhan's Public Hearing Room in Hagåtña:

9 a.m.

· The Executive Appointment of Ms. Ramona L.E. Jones to serve as a Member of the Guam Economic Development Authority Board.

· The Executive Appointment of Mr. Edward J. Calvo to serve as a Member of the Guam Economic Development Authority Board.

There will also be a public hearing on Bill 50-31, which would mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment(Move) act. (Introduced by C. Duenas)

Testimony should be addressed to Senator Dennis Rodriguez, Jr. For more information, call 649-8638.

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QUINCE

A	7.4%
B	3.7%
C	17.5%
D	14.7%
F	56.6%

Total Votes: 136
As of 8:15 p.m., Feb. 6

5 bills to see public hearing

Pacific Sunday News

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will hold a public hearing Friday at the Guam Legislature's public hearing room. Testimony on the following bills will be heard:

△ Bill 46, which would require all elected members of the Education Board to be citizens of the United States;

△ Bill 47, which would change the date of Senior Citizens Day from the third Wednesday of May to a date in May specified by the speaker of the Guam Legislature;

△ Bill 55, which would authorize Guam Memorial Hospital Authority to solicit and contract, in whole or in part, for the management and operation of vendor services relative to cafeteria, snack bar, restaurant, and/or other food services activities;

△ Bill 51, which would prohibit the abortion of fetuses more than 20 weeks of age, with exceptions for the health of the mother; and

△ Bill 52, known as the "The Woman's Reproductive Health Information Act of 2011," which would require a woman's "informed consent" before an abortion, including information about the anatomical and physiological characteristics of the fetus.

Testimony may be submitted via hand delivery to 176 Sereno Avenue, Suite 107, Tamuning, Guam 96931 or at the main Legislature building at 155 Hiesler Place, Hagåtña, Guam 96910, or via e-mail to senator@rodriguez@gmail.com.



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

**CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM**

PUBLIC HEARING AGENDA

Wednesday, February 16, 2011

9am

Public Hearing Room, *I Liheslaturan Guåhan*, Hagatña, Guam

- 09:03
- I. Call to Order
 - II. Announcements
 - III. Items for Public Consideration

DR/AP/CD/TCA/AA/RR FB

09:49

9:00am

- ✓ -The Executive Appointment of **Ms. Ramona L.E. Jones** to serve as a **Member of the Guam Economic Development Authority Board.**
- ✓ -The Executive Appointment of **Mr. Edward J. Calvo** to serve as a **Member of the Guam Economic Development Authority Board.**

-**Bill No. 50-31(COR)-AN ACT TO REPEAL TITLE 3 GUAM CODE ANNOTATED CHAPTER 10 § 10129 "EARLY VOTING SERVICE TO THE COMMUNITY."** (Introduced by R.J. Respicio)

-**Bill No. 54-31(COR)-AN ACT TO AMEND §7105, §16301 (a), §16301 (d) and § 16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election Ballot; to mandate the separation of local and federal elected offices; to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (Move) Act. (Introduced by C. Duenas)**

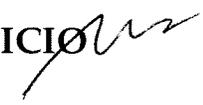
- IV. Announcements
- V. Adjournment

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Serenu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagatña, Guam or via email to senatorrodriguez@gmail.com. Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan*'s website at www.guamlegislature.org. Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

I MINA'TRENTAI UNO NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. ⁵⁰-31 (LS)

Introduced by:

R.J. RESPICIO 

AN ACT TO REPEAL TITLE 3 GUAM CODE
ANNOTATED CHAPTER 10 § 10129, "EARLY
VOTING SERVICE TO THE COMMUNITY."

2011 JAN 25 PM 1:00



1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. *I Liheslaturan*
3 *Guåhan* finds that a large number of serious problems occurred
4 during Guam's November 2010 elections, which has brought into
5 question the integrity of our election processes. An informal audit
6 conducted on the 2010 Guam Election Commission (GEC) records
7 revealed the following:

8 • Over a hundred *more* Early Voting ballots were cast than
9 the number of voters who actually signed in for Early Voting;

10 • The GEC's master log book of signatures of early voters,
11 and the GEC's digital version of the *same* log book, do not
12 contain the same number of signatures, and the difference is
13 large.

14 • Thousands of ballots cast by early and absentee voters were
15 improperly stored in an unlocked filing cabinet at the GEC, and
16 from the day early voting began through Election Day, they were

1 accessible to individuals who were not GEC employees. GEC
2 employees have acknowledged that non-employee visitors were
3 at the GEC office nightly throughout the early voting period,
4 including past midnight on some occasions.

5 • The names of dozens of voters who cast early or absentee
6 ballots were not marked off on Precinct Signature Logs, leaving
7 open the possibility that they could have voted more than once,
8 or that others may have illegally voted in their name;

9 • The GEC's Master Precinct Logs used at the polls on
10 Election Day included the names of dozens of voters who were
11 marked off as voting Early or Absentee, but their names do not
12 exist on any GEC Early or Absentee voter lists, again leaving
13 open the opportunity or possibility that they could have voted
14 two or more times, or that others may have illegally voted in
15 their name;

16 • Several people apparently voted twice in Guam's General
17 Election by casting ballots during Early In-Office Voting and also
18 at their respective precincts on Election Day. One individual
19 apparently voted twice during Early In-Office Voting.

20 Each of these unofficial findings appears to indicate a clear
21 breakdown in security relative to ballots and the voting processes,
22 and brings into question the GEC's ability to handle the additional

1 burden of early voting. This situation has left the Election
2 Commission unable to quantify the true harm caused to voters due to
3 what may very well be a plethora of systemic failures.

4 While some problems may be attributable to a variety of
5 differing factors, including human error, improper/inadequate
6 training, outdated rules and procedures, inattentiveness by election
7 officials, lack of voter security, or other factors, the number of errors
8 occurring in Guam's 2010 elections were extremely high, and action
9 should be taken to ensure public confidence in our elections, so that
10 these problems do not recur.

11 It is therefore the intent of *I Liheslatura* to repeal early voting
12 provisions, which appear to have been the root of a number of
13 problems experienced by the GEC during the November 2010
14 elections. The repeal of these provisions will allow the GEC to more
15 easily conduct their duties and will help the people of Guam become
16 more confident that their elections are overseen and conducted in a
17 fair and relatively error-free manner.

18 **Section 2. Repeal of provisions for Early Voting Service to the**
19 **Community.** Title 3 Guam Code Annotated Chapter 10 § 10129,
20 "Early Voting Service to the Community," is hereby repealed.

o